

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA

PASSED AT THE
ORGANIZATIONAL SESSION 1963
FIRST SPECIAL SESSION 1963
SECOND SPECIAL SESSION 1963
REGULAR SESSION 1963
IN TWO VOLUMES

VOL. 1



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

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ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
ORGANIZATIONAL SESSION OF 1963
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, JANUARY 8, 1963



**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1963 Organizational Session of the Legislature of Alabama and is the official publication of such acts.

Mrs. Agnes Baggett,
Secretary of State.

**MESSAGE OF GOVERNOR JOHN PATTERSON
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT ORGANIZATIONAL SESSION JANUARY 8, 1963**

Lieutenant Governor Boutwell, Mr. Speaker, Members of the Joint Session of the Alabama Legislature:

It is my honor to appear before you today—a new Legislature meeting in a New Year—and I wish for you, the Senators and Representatives of Alabama, a harmonious productive legislative year. I am happy to see so many friends from the last Legislature in this chamber, and I want to thank you for your assistance and cooperation during the last four years. Your labors were laudable, and I believe the 1959-62 Legislature will be remembered as one of the most progressive and far-sighted in Alabama history. I publicly commend you who served in that Legislature.

To those of you who are taking your seats for the first time, I offer congratulations. I hope your public service will be rewarding to you, to your counties and districts and to our State. Others of you have served, of course, in the 1955 or previous Legislatures, and I am pleased to welcome you back to the State Capitol.

The Constitution of Alabama requires the Governor, at the close of his term, to report to the Legislature on the "condition of the State." Accordingly, I shall restrict this Message, for the most part, to a review of State programs and services during the last four years. With your indulgence, I also shall make a number of rather broad recommendations which I feel will be in the State's general interest and of benefit in your deliberations.

The Legislature, of course, deserves high praise for the accomplishments which have been made. The progressive measures which were enacted during my administration reflect credit upon us all.

As Governor, my goal has been to do a better job than has ever been done before. With the aid of a hard-working cabinet, we have endeavored to give the people of Alabama sound and honest government. We have tried to serve the entire State, every city and every county, with equal fervor. Alabama has forged ahead steadily in the last four years. In all areas of State government, we have improved or expanded services while developing many new programs. In so doing, I feel that we have helped to create a better life for all our citizens.

I take particular pride in the advancements in education and public assistance. I am also proud that ours has been an administration noted for its building programs—highways, schools, docks, airports, waterways—all of which enhance our business economy.

Some of the major achievements of this administration include:

- * The State's first medical care program benefiting all old age pensioners and indigent persons aged 65 and over, affording up to 30 days free hospitalization a year and other benefits.

- * Record increases in all categories of public assistance, with some 60,000 old age pensioners drawing at least \$75 a month and some in nursing homes as much as \$175 monthly.

- * A new attack on mental illness financed by a \$3 million bond issue and State funds totaling \$2.1 million last year.

- * Alabama's first large-scale school construction program, resulting in nearly 700 new buildings and additions throughout the State.

- * Substantial increases in State support of public education and the end of proration of school funds for the first time in five years.

- * The largest, most comprehensive highway program in history.

- * A \$3 million center for space research was begun at Huntsville, financed by a State bond issue.

- * Segregation of the races in the public schools was diligently maintained.

- * Unprecedented industrial growth, with some 1,072 new and expanded plants representing an investment of \$663 million and creating 49,844 new jobs.

- * The nation's most extensive airport construction program, with more grants authorized during the last four years than during the preceding 12 years.

- * Massive savings through competitive bidding, totaling \$4.2 million just in the purchase of liquid asphalt, aggregate and plant mix for highways alone.

- * The State Docks, operating in the red at the start of this administration, recorded a net profit of \$2.2 million.

- * Legislation effectively regulating small loan companies for the first time was enacted and vigorously enforced.

* Alabama's credit image was upgraded to a "AA" rating, resulting in the saving of millions of dollars in interest on State bond issues.

* An expansion program was launched, providing for multi-million dollar Highway and Industrial Relations Buildings at the Capitol and a nearby Police Academy and National Guard depot.

* Notable advances have also been made in waterway development, trade expansion, tourism promotion, law enforcement and conservation.

These developments, and others, I will cover in reporting to you in detail on the operation of each State department. Without exception, the departments are running efficiently and economically, and all are on a sound financial basis. All programs of the State are being carried out in accordance with the law and in the interest of the people. The employees are dedicated, and their morale is high. In fact, career officials tell me they have never seen such cooperation between various State agencies as now exists. I can truthfully say that Alabama is in good shape and that we are making unusual progress. The years ahead look bright indeed.

On the business side, percentage increases in personal income in the State rank ahead of the national average, and Alabamians' individual earnings in 1962 were more than \$300 million higher than in 1961. All of which indicates we have a healthy, rising, vibrant economy and that our State government enjoys the confidence of business and industry.

The State is in excellent condition, better than it was when we took over the reins of government four years ago. We have preserved its heritage, guarded its customs and protected its traditions. In one week, we will step aside to make way for the incoming administration which will, in turn, seek to further promote and improve our bountiful State. In retrospect, I think this has been an important, pace-setting phase in Alabama's total development.

FINANCE DEPARTMENT

The State Finance Department holds the pursestrings of State government, and our progress during these four years is reflected in the record of this department. Frugality has been our watchword, and the result has been the saving of many millions of dollars in taxpayers' money. By economizing, we have accumulated surplus funds which we have used, in lieu of new taxes, to improve and expand State services.

Except for added revenues for education and a liquor tax earmarked for mental health and old age pensions, there have been no new or additional taxes in this administration. We have held the line because I was unwilling to place a heavier tax burden on our people.

Even so, the State treasury has continued to grow annually. More money is coming in (from State taxes, federal matching funds, A. B. C. Board profits and other sources) and more is going into the State's programs than ever before. At this time, the State government spends in excess of \$2 million every working day to serve the people of Alabama.

Most of our programs and services, other than education, live out of the general fund. In the last four years, the general fund budget has gone up 31 per cent—from \$32.4 million in 1957-58 to \$43 million in 1961-62. Revenues going into all funds for public schools have increased by 34.9 per cent—from \$108.5 million to \$146.5 million. Funds supporting all other State activities, including highway construction and public assistance, have climbed an unparalleled 47 per cent (from \$224.9 million to \$330.7 million).

The State's fiscal condition is sound. There is a surplus in the public treasury. We have a balanced budget, and the financial outlook is bright.

Purchasing by competitive bid, rigidly enforced, has been one of our principal programs. When I came to Montgomery as Attorney General, the law was weak and obscure, requiring bids only for highways, buildings and other public improvements. Largely through the efforts of my office, the law was broadened in 1957 to cover labor and services performed or material, equipment and supplies purchased by the State involving \$800 or more. In 1961, with administration support, the law was again tightened to demand bids for items costing as much as \$500—a practice most State departments were already following in the interest of governmental economy.

In the last fiscal year, the Finance Department's purchasing division issued 24,977 purchase orders and purchased about \$25.5 million worth of goods and services. In response to a single bid invitation, as many as 25 to 40 replies are received. In all our purchases, we seek the maximum value for each dollar.

In many cases, competitive bidding has brought the market price down, reducing the cost to all consumers. Generally, however, the market has been on the incline, making savings even more spectacular. Sample savings:

* Liquid asphalt used on highways cost an average of 13.4 cents a gallon in 1958 and only 11.3 cents a gallon in 1959-62, effecting four-year savings of \$910,000.

* Aggregate (crushed stone, slag, etc.) cost an average of \$3.64 a ton in 1958 and only \$2.82 a ton in 1959-62, yielding a total saving of \$757,000.

* Plant mix for highways cost \$7.91 a ton in 1958 and only \$6.89 a ton in 1959-62, saving the State a total of \$2.5 million.

* Electric light bulbs (\$30,000 a year expense) were bought in 1958 at a discount of 47.5 per cent, in 1960 for 49.5 per cent reduction and in 1962 for 54.2 per cent off.

* Tubeless passenger car tires (750 x 14) cost \$19.10 each in 1958, \$15.23 in 1960, \$15.04 in 1962 and \$13.53 at the present time.

* Tabulating machine cards cost \$1.14 per thousand in 1958, 98 cents in 1960 and 96½ cents in 1962.

* Specially equipped police cruisers (the highway patrol buys about 60 each year) cost \$1874 in 1958, \$1773 in 1960 and \$1810 in 1962.

Despite generally rising prices during the last four years, we are nevertheless able to buy practically everything the State government uses in quantity at a cost below that paid before this administration. We get more for what we spend, and each tax dollar goes further, because of the watchfulness of the purchasing division. Other divisions of the Finance Department, headed by Maurice Patterson, are just as diligent in stretching State funds.

The legal division has handled \$180 million in long-term bonds and \$60 million in short-term loans. After several personal visits to Wall Street, we were able to convince the recognized bond rating houses of the fiscal soundness of our State government. State revenue bond issues, as a result of our efforts, were given an "AA" rating for the first time, bringing savings in the millions of dollars annually during the life of the bonds.

The comptroller's division has converted entirely to electronic accounting equipment, and officials from every State in the Southeast and from as far away as Iowa have come to see our operation. We have also switched to punch card checks, allowing a change in accounting procedures estimated to save some \$30,000 annually.

The service division has kept the buildings in the Capitol complex spic and span. The Capitol was recently painted in-

side and out to get it ready for the inauguration. It has just been rewired. As authorized by the last Legislature, we have built a new cafeteria in the Capitol basement and installed air conditioning in the Archives and History Building. The Judicial Building has been steam-cleaned and reroofed and its heating and cooling systems over-hauled. The historic monuments on the grounds have also been cleaned and polished.

The budget division has recently established a strong, vigorous budget examiners section staffed by a chief and four examiners. From the 1961 budget hearings, they developed many financial studies which were valuable to the Governor and the Legislature, a service offered for the first time in this administration.

The State insurance fund has shown tremendous growth during this administration. The value of State property has increased by 40 per cent (from \$323 million to \$453 million), but annual gross insurance premiums have gone up only 20 per cent (from \$1.6 million to \$1.9 million). The reason for this is new and superior construction and the additional discount negotiated with the reinsurance companies. In the last four years, these discounts have increased from \$483,000 annually to \$688,000. As a result, savings of approximately \$1 million have ensued.

RECOMMENDATIONS:

1. I recommend continued strict compliance with the State's competitive bid law, which should be further tightened by legislation wherever found inadequate in the future.
2. The budget office, being an indispensable arm of the government, should be strengthened and more budget examiners added to enable it to more fully carry out its intended functions.

EDUCATION

In the field of education, we have made steady progress. Leaking roofs have been repaired, and run-down school houses replaced by modern facilities. Inside, new courses of study are offered. We have more teachers and they are better paid. In short, Alabama has a finer school system than ever before, and it is improving all the time.

In the last four years, State funds for teachers' salaries have increased 29 per cent—from a total of \$77 million in 1957-58 to \$99.3 million in 1961-62. In this period, teacher units went up 10 per cent, to 26,348, while public school enrollment rose only 6 per cent, to 807,287.

From the special education trust fund, public schools received \$108.5 million in 1957-58 and \$138.8 million in 1961-62—a jump of 28 per cent. For the first time in five years, earmarked revenues exceeded appropriations last year, and a “bonus” of some \$700,000 was passed on to education. In all, State funds expended for public education (including debt service on school bond issues) totaled more than \$146 million last year—a four-year increase of almost 35 per cent.

Because of proration, many hard-pressed city and county systems had resorted to deficit spending. At the urging of Education Superintendent W. A. (Bing) LeCroy, local boards of education are halting this practice and putting school operations back on a sound basis. A year ago individual schools over the State had a total deficit of \$4.2 million, but this has now been reduced in one year's time by more than \$1.3 million.

Financial ills have, of course, long plagued our schools. In 1959, soon after I took over as Governor, our administration sought to help public education. I summoned the Legislature into special session, the first ever held to deal exclusively with school problems. It was a hard-fought victory, but we succeeded in securing enactment of new revenue measures which brought in an additional \$19.3 million in the first year. The Legislature also approved Alabama's first Statewide school-building program and authorized issuance of \$100 million in bonds to finance the construction.

The building boom was a heyday for public education. In nearly every community, new school facilities were soon taking shape. These included new elementary and high schools, trade schools and college and university buildings.

A total of 688 different projects were authorized, and 550 have already been completed. Facilities costing \$68 million are in use, and construction is in progress on projects totaling another \$21.6 million. The remainder are in the final planning stage or are out for bids. The average per-square-foot cost has been about \$8 to \$8.25, very low in my opinion. Some schools have been built for as low as \$6.95 a square foot.

The building program has given Alabama the newest look in schools. We have taken advantage of campus-type construction, and many new buildings are completely air-conditioned, an extra generally financed by local funds. In rural areas as well as cities, new schools have well-equipped laboratories, kitchens, shops and gymnasiums—affording students equal educational opportunities.

In higher education, Alabama stands in the forefront of Southern States. Major expansions are in progress at both Auburn and Alabama. Both universities are engaging in research which is attracting wide attention. Auburn is studying uses for nuclear energy, and Alabama is building a \$3 million center at Huntsville for advanced space research. These facilities, coupled with the privately-operated Southern Research Institute in Birmingham, are giving Alabama new stature as an education-minded State preparing now for the future.

Public schools, meanwhile, have made use of funds from the National Defense Education Act to implement courses in mathematics, science, foreign languages and guidance. Educational television is also being utilized, and its impact as a teaching aid is just now being realized.

When I ran for Governor and in my inaugural address, I stated without equivocation that as Governor I would maintain segregation of the races in the public schools of this State. I report to you that this has been done. There was no integration in the schools when I took office and there is none today. This is not because of luck or chance, but due to constant work, diligence and attention. To hold the line, we have fought many legal battles, and we have been able to keep the N. A. A. C. P. out of Alabama since 1956, a fact which has had a distinct bearing on our success in this fight. We have also endeavored to build and improve the school systems for both white and Negro, in the conviction that we owe children of all races the best possible education and that a segregated school system best affords this opportunity.

RECOMMENDATIONS:

1. I recommend that we continue to maintain segregation of the races in our public schools. I recommend that we resist to the fullest all attempts to integrate our schools. We should make it clear at all times that we are not going to weaken or surrender but are going to hold steadfastly to our principles and beliefs. We should not back up one inch nor give in to the racial agitators or would-be integrators. We should not listen for one minute to those among us who are preaching surrender before the fight even begins. We should make it known at all times that when they take us on that they are in for the fight of their lives. We can win if we stand firm, if we remain resolute and steadfast. I urge the incoming administration and the Attorney General to continue the fight that we have waged so successfully thus far against all attempts to integrate our public schools and against

the N. A. A. C. P. and all other race-baiting organizations which attempt to bring destruction upon us.

2. I urge the Legislature to take the necessary action to raise teachers' salaries to at least the national average. I further urge the Legislature to take action to substantially increase all funds going to the administration of our public school system on all levels.

3. I respectfully recommend another bond issue for school construction, with a portion of the funds set aside for expansion of our trade school program to afford additional vocational and technical training—a program vital to our continued industrialization.

EDUCATIONAL TELEVISION

Educational television made its Alabama debut in 1955, telecasting the Governor's inauguration. In the eight years since, ETV has served our State well. It has endless possibilities for improving our educational services and upgrading our cultural life. Four stations are now in operation, with the newest opened here in Montgomery just last month.

To the great credit of the Alabama Educational Television Commission and its general manager, Raymond D. Hurlbert, we now have broadcasting facilities worth more than \$10 million. Our total investment, however, is only about \$1.5 million. We—and our children who receive in-school and at-home instruction via ETV—are certainly getting our money's worth.

RECOMMENDATIONS:

1. I urge that ETV be expanded, with at least four new stations added: at Demopolis, Rutherford in Barbour County, Huntsville and mid-way between Decatur and the Tri-Cities, giving the network total coverage.

2. I recommend that studios for the new Montgomery station, WAIQ, be established in the State Capitol area, providing State government with a valuable informational outlet.

PENSIONS AND SECURITY

Progress in public assistance has been outstanding. In every category, record-high benefits have been paid: for the permanently and totally disabled, payments up 65 per cent in the last four years; dependent children, up 105 per cent; the blind, up 82 per cent, and old age pensions, up 84 per cent. Never before have such increases been recorded.

In addition, new medical care programs have been established for the benefit of all elderly persons in need—both pensioners and non-pensioners. This service provides up to 30 days of hospital care per year, and I believe it to be one of the major accomplishments of this administration.

For pensioners confined to nursing homes, monthly payments have been increased in the last four years from \$100 to as much as \$175. Some 60,000 persons now receive pensions of \$75 or more, and the average monthly payments to all 103,000 pensioners is more than \$70 and going up all the time.

To aid the State Department of Pensions and Security in strengthening its service for senior citizens, Commissioner Alvin T. Prestwood has added a full-time consultant on aging to his staff. We are also following up on recommendations which have come from recent State Conferences on Aging as well as the 1961 White House Conference.

In addition to the elderly, attention has also been given the other public assistance programs. Aid to the blind payments have increased in the last four years from \$26.50 to \$48.20 monthly. Dependent children benefits have doubled: \$22.07 to \$45.15 monthly. Aid to the permanently and totally disabled has risen from \$27.47 to \$45.07 monthly.

Alabama's total public assistance expenditures have increased at a rate double the national average. In fact, between 1958 and 1961, the average old age pension paid in all 50 States rose only 11 per cent while Alabama's payments, in this period, increased 57 per cent.

Increases in benefits have been coupled with certain policy changes aimed at improving the public assistance program. Restrictions on income plus pension maximums have been raised. Property regulations have been modified. Social services have been stressed to encourage rehabilitation and self-support. And there have been many other refinements.

The department is charged with many other responsibilities: caring for foster children, handling adoptions and controlling juvenile delinquency. In addition, it also operates the surplus food program in 28 counties. In the last year, some 230,000 persons—of whom 66,000 were also public assistance recipients—received commodities valued at \$12 million.

From top to bottom, the department is fulfilling its mission admirably. Its budget has increased about \$10 million annually during the last four years—totaling \$105 million in 1961-62 and

\$115 million in 1962-63. The largest part of this is federal matching funds, which we have been able to receive only by providing sizeable increases in State appropriations, including some \$4.5 million from the general fund.

Without the substantial savings which we achieved through competitive bidding and other economy measures, these additional State funds would not have been available—and record public assistance benefits could not have been paid.

RECOMMENDATIONS:

1. We must continue to raise old age pensions and other public assistance benefits, doing our best to meet the needs of our citizens who are poor, aged, sick and infirm.

2. I strongly recommend that the Legislature substantially increase State funds going into old age pensions and other benefits. There may well be attempts to “raid” these funds and all such schemes must be repelled if we are to provide the State monies necessary to carry out an adequate public assistance program.

HIGHWAYS

Good roads contribute to a sound economy, and they are our most important symbol of progress. In the last four years, we have made vast improvements in the Alabama highway system. Our administration is now winding up by far the largest, most extensive road-building program in our history—one totaling more than a half billion dollars.

The Highway Department, under Director Sam Engelhardt, has moved fast and effectively in building, improving and maintaining highways throughout our State. Never before has so much road work been done, helping to give Alabama a national reputation for good, modern, safe highways.

In our administration, we have carried out a highway program totaling \$522 million—some \$200 million (62 per cent) over and above the previous four-year total. We have spent record amounts on the county road program, on the Interstate system, and on maintenance.

In all, about 5,575 miles were built or substantially improved. This total includes many new stretches of roadway, including some 200 miles of Interstate highway, as well as such improvements as resurfacing, straightening curves, widening to three or four lanes, and building by-passes. New bridges, if placed end to end would stretch 36 miles.

To expand county roads, we paid out \$87 million—an all-time high—in the 59 counties under the farm-to-market program. In the other eight counties, the State Highway Department is responsible for all the roads. Here, we have kept roads (8,000 miles of them) in tip-top condition and added a lot of pavement, particularly in sections neglected in the past because the terrain made construction expensive.

Ours has been the first administration to grant Special Aid to every county, setting aside funds for projects of a special nature in addition to the regular highway program. In each county of the State, we have worked hand in hand with officials to help their counties enjoy a good road system.

In the cities, we developed a very popular program of street work. In addition to regular construction and maintenance, we assisted more than 200 municipalities in installing curbs, and sidewalks, particularly in the area of schools and other public buildings.

In the last four years, we have opened 191 miles of Interstate highway. This nationwide system of four-lane controlled-access thoroughfares is not due for completion for another nine years, but we are rushing work on our 874-mile portion. In another few weeks, a total of 206 miles will be open to traffic in Alabama. In all, 307 miles are either under traffic or under construction—involving an expenditure of \$141.5 million.

In the primary highway system, a continual re-building program has been in process. This is necessitated by such conditions as flooding, freezing and changing traffic patterns. In North Alabama, highways are specially designed to withstand freezing weather. Elsewhere, severe icing can heavily damage our roads. Others break up because of heavy traffic not contemplated when first constructed. For this reason, we have had to re-build a number of roads such as Montgomery's Southern By-Pass (cost: \$844,000).

It is useless to build good roads unless they are properly maintained. Our four-year maintenance program totaled more than \$36 million, an all-time high.

All the time, we are adding new trunk line highways, in addition to the Interstate system, to better serve the motoring public. We have built connecting-link highways, four-lane sections eliminating bottlenecks, passing lanes on hills, and other highway improvements to speed the traffic. New roads are safety-engineered, designed to withstand heavy traffic loads for many years and built to rigid specifications.

In many cases, these sorely needed highway improvements have been put off for years because of the difficulty of construction (through cities, across swamps and up mountainsides). Usually, the cost of construction is also much greater.

The rapid acceleration in road-building at every level brought about many changes in the Highway Department's administration. The post of chief engineer was created to direct technical and engineering activities. An electronic computer section was installed for plotting cross-section data. Our staff of road and bridge design engineers was increased, with some 75 working over-time during the early months of the administration to get the road program in high gear.

A new division office was established at Mobile. The section in charge of right-of-way acquisition (a \$33 million item) was elevated to bureau status. A highway legal division was created, and a full-time landscape engineer employed. To maintain field contact, a complete two-way radio system (51 base stations, 125 mobile units) was installed. A new \$3.5 million highway building is under construction on the Capitol grounds.

By strict adherence to the competitive bid law, we have been able to buy equipment and materials far cheaper, saving millions of dollars. Every dollar saved, of course, means another dollar available to build roads.

Our road program was financed by a \$60 million bond issue. These funds, in addition to regular highway revenues, enabled us to put together this outstanding, far-sighted program. We have been able to utilize practically all federal construction money which has been available to us. We found the Highway Department in good condition, and we are turning it over to the incoming administration in good condition.

When we took over in 1959, we could anticipate net revenue of \$18 million for the remainder of that fiscal year. The incoming administration can look forward to approximately \$18.6 million in State revenue for roads between now and September 30th of this year

To keep moving forward, Alabama must keep building and improving its highway system. As our economy expands, we need more and more all-weather roads for all-weather travel. As long as we continue to grow and prosper, our road needs will remain great. And without a highway system which is flexible to need, our economic development will suffer.

RECOMMENDATIONS:

1. I recommend that the present accelerated highway program of the State be continued without any let-up or slow-down. I believe we have the public duty to provide our people and our State with the best possible highway system, the public use of which brings many dividends in return.

2. Also, I recommend the continuation of the county and municipal aid programs, which are vital to Alabama's development. Every county and every city should be provided with an adequate and progressive road program, adding to our Statewide network of fine highways.

3. I urge every effort be made to take advantage of all federal matching funds available to Alabama for road construction.

A. B. C. BOARD

The Alcoholic Beverage Control Board's efficient operation has been a great credit to State government. The board has made extraordinary headway in the enforcement field—particularly in stamping out moonshining and bootlegging and curbing drinking by those under 21.

In the State's 22 wet counties, the A. B. C. Board operates about 80 stores. In the last fiscal year, the board made a net profit of \$21.2 million, an all-time high—up \$1.1 million (or 5.8 per cent) from the previous year. This money went to various agencies of city, county and State government, including \$2.1 million for mental health, \$287,000 for alcoholism and temperance education programs, and \$1.1 million for public schools.

During the last four years, under the able supervision of Administrator Edward J. Azar, the A. B. C. Board's net profits jumped an astonishing 36 per cent—from \$57 million in 1954-58 to \$77.3 million in 1958-62. During our administration, \$31.5 million of these profits went for public assistance, \$23.7 million to the general fund which supports most State programs and services, \$15.5 million to cities and counties and the rest to specific State departments.

These high profits are due, in part, to better enforcement. Licensees were more closely supervised, and the 2-cent a bottle beer tax diligently collected. As a result, net receipts from the beer tax increased 14.8 per cent last year and accounted for \$3.9 million in State revenue.

In the field, the A. B. C. Board claims a four-year enforcement record never before equalled: 176,000 gallons of moonshine seized, 2,492 vehicles confiscated, 9,114,946 gallons of mash drained and 17,797 stills smashed. These stills were capable of an annual production of 40 million gallons of moonshine. What's more, most of it was dangerous to drink. Under a continuous testing program started in 1960, State toxicologists found 80 per cent of all moonshine contained lead salt poisoning, 45 per cent in such quantity to cause blindness, deafness, lameness or extreme illness. In addition, 5 per cent contained deadly methyl alcohol. To alert the public, some 150,000 warning posters were distributed and a statewide educational campaign launched.

To wage unrelenting war on the moonshiners, some 110 State enforcement agents (their force augmented by 25 more men in the last four years) used 66 cars and trucks, an airplane and a boat, backed up by walkie-talkie radios and specially trained pursuit dogs, to swoop down on a still somewhere in Alabama every 25 minutes.

In the enforcement area, the A. B. C. Board is doing **more** than ever before to keep alcohol out of reach of those under age. The board has cracked down on licensees who sell to minors. To help local authorities deal with this problem, the board drafted a model ordinance which is now in use in some 100 Alabama municipalities. And at the board's suggestion, driver's licenses issued to persons under 21 now bear three broad red stripes across the face—an added identification aid.

RECOMMENDATION:

1. I urge that the enforcement campaign be continued without let-up, for this is the A. B. C. Board's chief responsibility.

MENTAL HEALTH AND ALCOHOLISM

Greatly expanded alcoholism and mental health programs, both financed by A. B. C. Board profits, are now in progress.

We are providing better care for patients in State mental institutions. They are receiving more medical attention, and additional psychiatric service is in the offing. This frontal attack on mental illness is being financed by a new State appropriation, approved by the 1959 Legislature, which yielded \$2.1 million in the last fiscal year.

Voters have also authorized a \$3 million bond issue to pay for construction of a mental health clinic at the Birmingham medical center. At this time, we are trying to obtain Hill-Burton

matching funds, and we hope to start construction shortly. At this clinic, psychiatrists and other specialists will be able to help those who have mental problems before it is too late. If they must be confined, it results in heavy expense—to the individual or to the State—in addition to untold mental anguish.

Our aim, of course, is to cure the mental patient by the effective use of modern treatment methods and to return him to his home and family as a productive member of the community.

Funds to fight alcoholism have been increased by 65 per cent in this administration—from \$150,000 in 1958-59 to \$247,000 last year. In addition to out-patient clinics opened late in 1958 in Birmingham and Montgomery, two more clinics are now in operation, one at Mobile and the other at Decatur. Hundreds of persons with drinking problems are treated at these centers every month. They are operated by the Commission on Alcoholism, of which William J. Benton is administrator.

Less dramatic but just as important is the commission's educational and research work. Some 50,000 Alabamians suffer from alcoholism, making it the State's fourth greatest public health problem.

RECOMMENDATIONS:

1. Alabama must keep abreast of national advances in the treatment of mental illness, continually improving our techniques and facilities.
2. Since alcoholism remains as a serious health menace and a heavy drain on our economy, efforts to control this illness should be intensified.

CIVIL DEFENSE

The State Civil Defense Department has come a long way in a few short years. It has overcome public apathy and assumed a position of leadership in Alabama's preparedness planning. Our citizens look to the department for advice and guidance in preparing for survival in case of nuclear attack.

Alabama's fallout shelter program is rapidly taking shape. In 29 localities, prototype shelters have been constructed on high school campuses. Many hundreds of families have now built their own backyard shelters. By act of the 1961 Legislature, everyone who invests in a shelter—business, industry or family—receives a State tax credit. In the last year, thousands of buildings, mines and caves have been inspected as possible fallout

shelters. Suitable ones have been marked and will be stocked with food, water, medical, radiation detection and sanitation supplies.

A total of 39 mobile emergency hospitals, each containing 200 beds, is now in readiness and medical supplies valued in excess of \$1 million are stored at various locations in the State. Many radiation detection instruments have been distributed, and some 5,000 persons have been trained in the use of these devices. Emergency communications networks have been set up. In every county and in most municipalities, civil defense organizations are active. Though there remains much to be done, never have our citizens made so many plans and preparations in peacetime.

Civil Defense Director Bobby J. Blalock calls 1962 the "Year of the Awakening" and he deserves praise for his efforts to alert the public. During this administration, his department's workload and staff have increased four-fold. Civil defense has become a vital part of State government.

In natural disasters, civil defense has already proved its worth. The test came in the North Alabama ice storm of 1960 and the Central Alabama flood of 1961, when the Civil Defense Department mustered thousands of volunteers and enlisted the cooperation of a dozen other agencies. Then, the department aided in securing \$358,000 in federal funds to partially repair the damages and some 100 carloads of grain for livestock. And in the last four years, the department has obtained \$5.2 million of surplus property, mostly communications equipment for counties and municipalities, at only 2 to 5 per cent of the original cost.

Fortunately, the civil defense program is partly financed on the city, county and State level by the federal government. In the last four years, we have received \$1.9 million in matching funds.

RECOMMENDATION:

1. I urge the Legislature to use every possible means to promote a strong civil defense program and to encourage the construction of fallout shelters.

MERIT SYSTEM

Some 11,700 employees now work for the State government. All except cabinet-level officials are protected by a merit system, which comes under the supervision of the State Personnel Board.

We have been able to raise employees' salaries by 14 per cent—from an average of \$315 to \$369 monthly. This reflects effort on the part of State government to maintain salaries at a level comparable to that paid in private industry and by other governmental agencies. In addition, many State departments now offer special training programs, including institutes and short courses, for the benefit of their employees.

Due to the interest of Personnel Director J. S. Frazer, the State government is attracting and keeping alert, eager employees of the highest calibre. Their hours are often long, and their jobs sometimes dangerous. Because of their dedicated efforts, our State employees deserve great credit for the accomplishments which have been made. No Governor ever had a more loyal, hard-working group of employees serving in the people's interest.

RECOMMENDATION:

1. I urge continued improvements in the pay scales and in general working conditions with more emphasis on in-service training programs.

PRISONS

The State prison system has made great strides in the last four years, much to the credit of the Board of Corrections and Institutions, and its able commissioner, A. Frank Lee. In spite of obsolete equipment and facilities, Alabama prisons have won wide praise, including even national recognition.

Our prison population is all too high, and we are doing all we can to rehabilitate short-term offenders. We are paying particular attention to young prisoners, and there are now more than 600 first offenders in State prisons who are between 15 and 21. Later this year, a new receiving center for young offenders will be built in Elmore County—the first step in a far-reaching plan to “save” these young people before it is too late.

For other young inmates at Draper, an academic and vocational education program has been stepped up. Financed by a \$170,000 federal grant, classroom and library facilities were added and three instructors skilled in electronics, psychology and education were employed. A total of 126 other Draper inmates, meanwhile, have studied at night and utilized self-instructional methods to finish their high school education and earn diplomas from Holtville High School.

For the first time in the history of Alabama prisons, a physical education program, featuring organized athletics, was begun in

the prison system with the employment of a college-educated, full-time physical education supervisor.

Additional money to help pay prison operating expenses came from the Highway Department, which employed more prisoners on the roads than ever before. An average of 2,200 were so used, bringing prisons \$5.6 million—up 44 per cent over the 1954-58 total.

Prison guards, long under-paid, received a two-step salary increase. Better prison security was also provided at Kilby, Atmore and Draper through the inauguration of a new guard dog program, which has proved to be very effective.

RECOMMENDATIONS:

1. The prison system is under good management but attention must be given to replacing several worn-out installations, particularly at Kilby Prison.

2. I urge the continued cooperation of the Highway Department in working as many prisoners as possible on the highways to provide additional, critically needed funds for the prison department.

PARDONS AND PAROLE BOARD

Almost 1,000 more prisoners have been paroled in this administration—3,177 in 1958-62 compared to 2,182 in 1954-58. This has been possible because the Board of Pardons and Paroles now has a larger field staff to supervise the additional parolees and to aid in their rehabilitation.

Such a program is important because it costs taxpayers about \$750 annually to keep an inmate in prison and a like amount to support his family. Once out of prison, the inmate ceases to be a financial drain on the State and begins to make a significant contribution to his community.

In this administration, the parole investigation staff was almost doubled as a result of an increase in appropriations to the Board of Pardons and Paroles. The efficient operation of the board, of which the Reverend W. H. Swearingen is chairman, is of tremendous benefit to our economy. By the successful rehabilitation of former inmates, Alabama taxpayers are saved hundreds of thousands of dollars each year.

RECOMMENDATION:

1. An additional increase in the board's appropriation may well be in order to help further our over-large prison population.

RETIREMENT SYSTEMS

For the Teachers' Retirement System and the State Employees' Retirement System, the last four years were the most successful in history. Both are expertly managed by Raymond D. Fowler.

Some 37,000 active and 3,300 retired teachers are covered, and monthly benefits in the Teachers' Retirement System now average about \$75. It is adequately financed, and the reserves have increased in this administration from \$86 million to \$132 million.

In the Employees' System, there are 16,855 active and 912 retired members. Monthly benefits average about \$50. The system's total assets have increased 81 per cent in the last four years, from \$21 million to \$38.6 million.

RECOMMENDATION:

1. I recommend that the Retirement System acts be amended from time to time to keep pace with changing conditions and to afford improved benefits.

AGRICULTURE

Significant advances have been made benefiting Alabama farmers and agriculture in general. The last four years have been marked by spectacular growth in the beef cattle and poultry industries as well as the production of paper and wood products. At a time when many were leaving farms, the agricultural economy has markedly increased.

There have been these developments affecting agriculture:

Swine, cattle and chicken diseases are under attack. To eliminate Bang's disease in cattle, a testing and eradication program has been intensified. A swine disease eradication laboratory has recently been established at Elba. Auburn University is undertaking new poultry and egg research, seeking to improve production methods and to eradicate certain diseases.

The beef cattle industry has started a wide-scale promotional campaign to encourage the sale of more Alabama-grown beef. The cotton study committee has enlarged its efforts to aid the Alabama cotton farmer, long the victim of discriminatory federal practices.

Several programs promoting the quality of farm products have been instituted. The grading and labeling of eggs, for instance, has resulted in better eggs reaching the market. Inspection of fruits and vegetables is credited with increasing volume at farmers'

markets in Birmingham, Dothan and Fort Payne. Higher and better grades of fertilizers for Alabama farmers are now available as a result of a revision in State fertilizer standards.

Without any increase in licenses or fees, the Department of Agriculture and Industries has operated all its programs on existing revenue and even returned a substantial amount to the general fund. This efficient operation certainly speaks well for the department director, R. C. (Red) Bamberg.

The State Coliseum has been used more than ever before. Livestock shows and other agricultural events, the Southern Championship Horse Show, the Southeastern Championship Rodeo and South Alabama Fair are held there annually. During this administration, about 15 acres of additional parking area have been paved and eight new livestock barns have been built.

RECOMMENDATIONS:

1. Agriculture is vital to Alabama's economy, and the State government must not overlook its responsibilities to our citizens who live and work on farms.
2. Every effort should be made to promote programs beneficial to our farmers with particular attention given to the recommendations of the Extension Service at Auburn.

LABOR

We enjoy good labor-management relations in Alabama. Since the beginning of this administration, each year has shown improvement over the others in the promotion of peaceful and harmonious relations between labor and management—one of our chief aims. In so doing, we have materially benefited the working men and women of Alabama.

Requests for our Department of Labor to serve as mediator in labor-management disputes have increased steadily. Through the interest and attention of the department, work stoppages have been held to a minimum, reducing the salary loss by many millions of dollars.

Wage rates on heavy and highway construction have been established. This put Alabama contractors on an equal basis with out-of-State contractors who often attempted to use low-cost, inexperienced labor to build our highways and public buildings.

A branch office, staffed with competent conciliators, was opened at Mobile to more effectively serve the southern area

of the State. To date, more wage claims have been handled through this Mobile branch than both the Montgomery and Birmingham offices.

The Labor Department, headed by Olin B. Brooks, has compiled and distributed a booklet of Alabama labor laws. The department also maintains a library at its Montgomery office for the use of labor and management. In the library are reports on recent labor legislation and governmental rulings.

RECOMMENDATION:

1. Since good labor-management relations must be maintained, I urge the Legislature not to take any action or enact any laws detrimental or injurious in any way to organized labor or to the working men and women of Alabama. They are the backbone of our State and deserve our assistance and protection.

BANKING AND SMALL LOANS

Our financial institutions have enjoyed a healthy growth during this administration. In State-chartered banks, savings and loan associations and credit unions, substantial increases in resources, deposits and loans have been recorded. I believe this is dollars-and-cents proof that excellent business conditions have prevailed in Alabama during this period.

Alabama has 170 State banks with 16 branches, and on last June 30 these banks had total resources of \$724.1 million—\$125 million (or 20.8 per cent) more than at the start of our administration. In the same time, deposits increased by \$102 million and loans and discounts by \$100 million.

Savings and loan associations showed exceptional growth, with resources soaring approximately 60 per cent. Credit unions did almost as well, registering an increase in resources of about 45 per cent.

The Banking Department, which supervises such State-chartered institutions, is now operating with a full staff of examiners. Many attend annual two-week training courses at the L. S. U. school of banking. The department is housed in more suitable quarters and under John C. Curry, as superintendent, has earned the respect and confidence of the Alabama financial community.

The regulation of the small loan industry is also the duty of the Banking Department. For the first time, it has the legal power to prevent abuses in this field. No longer can Alabama be called a "paradise for loan sharks."

Under the Small Loan Act passed by the 1959 Legislature, we now have the authority to limit the interest rate and other charges on loans of \$300 or less. In 1961, some 953,918 loans (three-fourths of them under \$75 each) totaling \$72.8 million were supervised. Undoubtedly, this close regulation is saving Alabama borrowers many millions of dollars annually.

Operating under the guise of "pawnbrokers," some loan sharks tried to make a comeback last year. Armed with information furnished by the Banking Department's bureau of loans, Montgomery County officials went to court and secured injunctions against offenders. Subsequently, similar operators in other counties ceased this illegal activity.

RECOMMENDATION:

1. The Small Loan Act, one of the legislative highlights of this administration and of the last Legislature, must be steadfastly enforced to keep loan sharks from ever getting another strangle-hold on our State. The Small Loan Act has proven to be an effective, desirable and worthwhile law. It affords protection to the working man who at times must borrow money due to necessitous circumstances. I urge the Legislature not to permit any tampering with or weakening of the Small Loan Act and on the other hand to strive to strengthen the law to better guarantee protection and fair treatment to the borrowing public.

TOURIST TRAVEL

The economic impact of the travel industry is encouraging. With finer cars and better roads, more people are on the go. With a rising economy, they have more time and more money to spend. As a result, millions more out-of-State travelers are visiting Alabama, and more are on the way.

In 1961, the travel industry added \$270 million to our economy. It provided 53,500 jobs and paid \$87 million in taxes. It brought 18 million visitors here from other States, two-thirds of them on leisure trips. Although the average 1961 tourist stayed less than two days, visitors still spent a total of \$160 million in Alabama.

To encourage tourism, the State Bureau of Publicity and Information conducts a year-round campaign—advertising in out-of-State publications, exhibiting in the principal travel shows and promoting tourist attractions and events in Alabama. The bureau under Bob Harper has produced many full-color brochures and interested several national publications in publishing, without charge, stories and pictures on our historic, scenic and recreational sites.

We have assisted many localities in securing regional and national conventions. In addition, we have sought to develop the Tennessee Valley, the mid-Alabama lake region and Gulf Shores-Dauphin Island beaches as major tourist recreational areas.

RECOMMENDATION:

1. Alabama should go all-out to attract tourists, and the Legislature in considering the bureau's budget should study the competitive tourist-hunting efforts of surrounding States, most of whom spend in excess of \$200,000 annually for this purpose.

REVENUE

We have been able to expand many State programs, without accompanying increases in taxes, because of the efficient operation of the Revenue Department.

Gross revenue collections have increased 28.2 per cent in the last four years—from \$202.4 million in 1957-58 to \$259.5 million in 1961-62. This increase is due mainly to better collection methods and a rising State economy.

For every \$100 of revenue collected, it costs the Revenue Department only \$1.66—one of the lowest collection rates in the nation. Under the scrutiny of Commissioner Guy Sparks, the department has consistently operated well under its own budget and last year refunded more than \$1 million to the State treasury.

We have followed a strict policy of impartiality in tax enforcement. In 1959, we set up a 12-member board of review to decide all disputed tax cases on the law and the facts. Previously, the revenue commissioner alone made such decisions.

Our foreign audit section has been expanded. We are keeping a closer check on out-of-State firms doing business here, and we are enforcing all of our tax laws which apply. This program has produced millions of dollars in revenue that otherwise would have been missed.

Most of the increased collections have gone to public education: \$146.5 million in 1961-62 as compared with \$108.5 million in 1957-58—an increase of 34.9 per cent in school funds.

RECOMMENDATION:

1. I recommend that all Alabama tax laws be enforced with fairness, impartiality and efficiency.

AERONAUTICS

While other States have been losing airports, Alabama has been gaining them at an unprecedented rate. We have been building so many so fast that our airport construction program has won national acclaim.

In the last fiscal year, 74 projects—including 26 new airports—in 57 localities were authorized. This program is administered by the Department of Aeronautics, of which Asa Rountree, Jr., is the energetic director. It is financed by a tax on aviation gasoline.

As an indication of the great interest in aviation, this tax brought in 32 per cent more revenue in 1961-62 than in the previous year. Aviation gasoline sales, in the last year, totaled 9.6 million gallons.

Our new airports give Alabama a great advantage in seeking new industry. In this age of business and executive flying, an industry will rarely locate in a community without airport facilities. And more Alabama areas have good airports—with paved landing strips long enough to handle twin-engine aircraft—than any other State in this area can claim.

RECOMMENDATION:

1. Alabama should continue this outstanding program, building and maintaining as many airports in as many localities as economically feasible.

INSURANCE

The insurance industry of Alabama continues to grow at a rapid pace. It enjoys the respect and confidence of the public. In the last year, our citizens invested almost half a billion dollars to protect their families, their businesses and their properties. Insurance companies, using this revenue, provide strong sinews in our State's economy by investments, credit and protection from uncertainties.

A staggering \$9.3 billion worth of life insurance is in force in Alabama—an increase of 27 per cent in the last four years. Fire and casualty insurance has also increased substantially.

About 100 insurance companies based in Alabama do business here. They have assets of more than \$800 million and they received premiums totaling more than \$150 million last year. Also doing business in the State are about 650 other insurance com-

panies which have combined assets of some \$150 billion. Premiums paid these companies last year amounted to approximately \$310 million.

The duty of supervising the operation of these companies is entrusted to the Insurance Department, of which William D. Page is superintendent. The department licenses all insurance agents, brokers and solicitors of which there are about 15,000. At 12 centers over the State, some 10,000 applicants are examined annually.

Several programs instituted by the Insurance Department during the last four years have resulted in lower rates for certain types of insurance, including hospitals, motels, office buildings and farm structures.

PUBLIC SAFETY

Every week I receive several letters from motorists praising the Alabama Highway Patrol for assisting them along our highways. Such letters come not only from our citizens but from residents of many other States as well. All are impressed by a trait which has distinguished our highway patrolmen: their unusual courtesy.

Even in making arrests and enforcing our traffic laws, patrolmen try to win friends. This reputation is giving Alabama a good name in all parts of the nation. It is a tribute to the patrolmen's training, efficiency and pride of organization.

As a law enforcement agency, the Highway Patrol has set a high mark in traffic safety. In 1959, when the patrol was reorganized, the death toll on highways outside municipalities dropped to an 11-year low. In this administration, fatalities number some 300 less than during the previous four years despite a heavy increase in traffic.

The Highway Patrol is a division of the Department of Public Safety, which is headed by Floyd H. Mann, nationally recognized as a police administrator. Soon after taking over the department, he installed a new radio communications system. Several new Highway Patrol divisions and posts, with captains and sergeants in charge, were added. To afford a solid chain of command at all times, the rank of corporal was created. With the more effective supervision these changes provided, the patrol's efficiency increased rapidly.

Also in the beginning months, the Highway Patrol cadet program was started and it has proved to be very successful. Young

men aged 18-21 are attracted to the Department of Public Safety to train (as radio operators, police clerks, etc.) for a career in law enforcement work before they are old enough to become regular patrolmen (minimum age: 23). This program has served to relieve a perennial shortage of incoming personnel.

Thirty-three cadets have been promoted to the rank of patrolmen. At this time, 38 others are receiving valuable on-the-job training, looking forward to the day when they too can be patrolling Alabama highways and serving the motoring public.

In the field of police training, the outstanding highlight has been the construction of the new Alabama Police Academy. This \$300,000 facility, opened last September, has already graduated 128 law enforcement officers from all over the State, including a number of city policemen and sheriff's deputies. The modern academy, complete with sleeping and eating facilities, replaces old quarters at Gunter Field where 39 police training courses, some of them running six weeks, were held in the previous three years, benefiting a total of 1,138 city, county and State officers.

During the last four years, we have added six additional crime investigators to the department's investigative and identification division. As a result, we are better able to assist sheriffs, local police and county and circuit solicitors in investigating and solving crimes committed in their jurisdictions.

In the driver's license division, an automatic filing system has now been installed. This enables us to furnish insurance companies complete accident reports, resulting in lower liability rates for safe drivers.

In other developments, a major educational campaign was launched to promote traffic safety. Patrolmen, poorly paid for years, now receive about \$100 more monthly. Morale is high, and the members of the department are working together in splendid, coordinated fashion.

RECOMMENDATIONS:

1. Today in Alabama all laws are being fairly, diligently and impartially enforced on all levels. This is absolutely essential to our progress. I urge that continued emphasis be placed on maintenance of good law enforcement and that organized vice and crime never be tolerated in any form.

2. I recommend continued improvements in the salaries and working conditions of the members of the Department of Public Safety, taking into account their long hours and hazardous duty.

CONSERVATION

Many far-ranging improvements have been made in the Conservation Department in this administration. Its organization has been streamlined and its scope has been expanded. As a consequence, Alabama is now making the greatest effort ever to protect and conserve our wildlife, fish and other natural resources.

As additional citizens turn to the great outdoors for relaxation and recreation, the role of the Conservation Department becomes increasingly more important. Under Director William C. Younger's leadership, the department is now better prepared to serve the public and meet their present needs while conserving for the future.

When our administration began, the Conservation Department's seafoods division had completely broken down and ceased to function as an effective agency. With new equipment and personnel, this division has been completely rebuilt. It is now an outstanding division, assisting in the development of Alabama's seafood industry. Waters are constantly patrolled, day and night, to protect oyster beds and small shrimp. Violations have decreased sharply. In addition, new methods of management of shrimp and oysters have been introduced and research intensified.

The water safety division was created by the Legislature in 1959, when there were 48 fatalities in Alabama boating accidents. The next year the fatality rate dropped to 27. With more than 100,000 pleasure boats operating on our waters, it is up to water safety patrolmen to promote safe boating. To carry out its mission, the division has 16 patrol units, each stationed on a major body of water around the State.

Three new State lakes have been opened in this administration and a fourth, already stocked, will be opened next year. In the 19 State lakes now open, more than a million pounds of fish have been caught in the last four years. About 60 public boat-launching sites have been built, allowing easy access to lakes and streams. Some 22 million fingerling bass and bream have been provided free of charge for stocking 4,200 new ponds and lakes.

More deer and wild turkey have been trapped and restocked in the continuing wildlife development program. Seven new wildlife management areas with 86,000 acres were established. Management areas now cover more than 510,000 acres, and there is no charge for permits to hunt on any of them.

A 700-page volume on "Alabama Birds," containing 43 full-page color plates, was published with the department's backing last year and has been well received. It was seven years in production.

In the game and fish division are a total of some 100 conservation officers, now uniformed, thoroughly trained and equipped with patrol cars and two-way radios for the first time. Unlike the game warden of a few years back, they do far more than just enforce game and fish laws. They are also engaged in informational and educational programs.

With the aid of the forestry division, Alabama's reforestation program reached its zenith during the last four years. In this period, 578,000 acres were planted to seedlings and another 35,000 acres direct-seeded. To protect timberland from fire, we added nine steel look-out towers and installed a new radio communications system. In dry weather, an airplane joins in the forest fire vigil.

Camping out is in vogue now, and the parks division is helping to provide more camping space. At Little Mountain State Park at Guntersville, a new 50-tent camping area has been constructed with restroom facilities. Lodges, lakes and picnic facilities at all State parks are in good condition and in great demand.

The lands division is now working to clear title to State lands, a program long overdue. Many tracts of land obtained 50 or more years ago have never been surveyed nor have the boundaries ever been established. It is in the public interest that this program be continued.

RECOMMENDATIONS:

1. I recommend that full use be made of the new Marine Resources Laboratory on Dauphin Island for the benefit of Alabama's hard-pressed seafood industry.

2. I urge the building of additional public boat-launching sites, camping grounds and picnic areas as well as more State park facilities for the use of citizens in all parts of Alabama. Emphasis should be given to locating facilities convenient to our large cities.

STATE DOCKS

When we took over the Alabama State Docks, it was running in the red and losing more money every month. In short order, we bailed it out and turned it into an efficient, money-making

operation. Throughout our administration, it has earned its way, paid off its obligations and earned a handsome net profit.

Our record at the State Docks is due to good management and sound business practices, and it is a further testament to the ability of Earl M. McGowin, docks director. In addition to consistent operational profits, the docks has drawn more business and trade our way, benefiting all Alabama.

In the last four years, the State Docks took in revenues of \$25.5 million and operational expenses totaled \$19.1 million. Interest charges on outstanding bonds took \$1.8 million and another \$2.4 million was set aside for depreciation. This still left a sizeable net profit—almost \$2.3 million.

Since no tax money is involved, this profit is retained by the State Docks to build and improve its facilities—which include a network of inland docks on the Tennessee, Warrior-Tombigbee and Chattahoochee Rivers. These docks are just now getting started.

Inland docks have been completed at Decatur, Florence, Huntsville, Cordova and Columbia. Facilities at Eufaula and Phenix City will be finished this year, with other docks planned in the near future at Tuscaloosa, Demopolis and Selma. Undoubtedly, these installations will aid materially in Alabama's industrial growth.

In time, most of these inland docks will be shipping goods through the Port of Mobile, creating new business for the State Docks. It is necessary, of course, to attract shipping—barge tows as well as foreign commerce—to generate revenue for the docks' system. The Port of Mobile is highly competitive with other Gulf ports and must not overlook any possibility of securing additional tonnage.

To promote and develop new trade ties, the State Docks has participated in a number of successful trade missions to the Caribbean area, Central and South America. To encourage additional domestic shipments via the Port of Mobile, sales representatives are permanently stationed at St. Louis, Chicago and New York while others based in Mobile canvass leading Southern cities. Every day we are engaged in a hard-hitting campaign to "sell" the Port of Mobile, insuring its future role in the growth and prosperity of our State.

RECOMMENDATIONS:

1. The State Docks belongs to all the people of Alabama, and I believe it should always remain within reach of the ballot

box. Therefore, I strongly urge that the docks be kept under control of the Governor and not be placed under a board or authority which might well become unresponsive to public wishes or public demands. In case of a docks deficit, the State's general fund would be obligated, putting a drain on the treasury and a cramp on many State programs—but with the docks under a board or authority the Governor would be powerless to take remedial action.

2. I recommend that additional facilities be constructed for handling grain to put the State Docks in a better competitive position with other Gulf ports.

3. To stimulate additional shipping, I suggest that a program of trade tours be developed in cooperation with the world trade committee of the Mobile Area Chamber of Commerce with particular attention given to trade possibilities with Latin American nations.

WATERWAY DEVELOPMENT

In the last four years, we have seen the start of construction on the Coosa-Alabama Waterway, which cuts across the mid-part of Alabama from Mobile to Rome, Georgia. Within a few months, the Chattahoochee will be navigable upstream as far as Phenix City. The modernization of the Warrior-Tombigbee is almost complete, and the Tennessee River has been improved for navigation.

The long campaign to build the Tennessee-Tombigbee Waterway has gained momentum, and congressional funds for its construction are practically assured. In addition, there is much interest in developing the Choctawhatchee and Pea Rivers in South Alabama and the Elk River in North Alabama.

No other State can claim such an extraordinary system of fine rivers. We are now engaged in a concerted program to develop them into major waterways serving all areas of Alabama.

Once developed, these new water routes will surely bring us new industry and new promise for a great future.

RECOMMENDATION:

1. I urge the Congress to appropriate funds for continued improvement of the Alabama river system, completing the Coosa-Alabama Waterway and starting the Tennessee-Tombigbee Waterway. Besides opening the Tennessee Valley to international trade, the Tennessee-Tombigbee link would also provide the

Port of Mobile with direct water access to more than 20 mid-continent States, substantially increasing the port's trade potential.

INDUSTRIAL DEVELOPMENT

We are just now beginning to realize our full industrial potential in Alabama. In the last decade, industry has replaced agriculture as the main component of our economy. In the last few years, we have seen the diversification of this industry, bringing a wide range of new manufacturing plants to our cities and towns, small and large, up and down our State. This industrial expansion has been steady, and it has greatly strengthened our entire economy.

In our administration, Alabama has experienced unprecedented industrial growth. Our State has acquired 430 new plants representing a capital investment of \$190.9 million, and 642 existing industries have invested an additional \$472.5 million to expand their facilities, giving Alabama industrial development totaling \$663.4 million in the last four years.

In 1962, we set an all-time high for employment opportunities afforded by this industrial growth: 14,761 new jobs created. In four years, more than 49,800 new jobs have been provided by plant expansion in our State. These figures present a graphic picture of industrial progress.

The Planning and Industrial Development Board, headed by Leland H. Jones, has assisted in this growth, working closely with city and county leaders and public-spirited organizations at all times. Local resources have been inventoried in more than 200 localities, and community brochures listing plant site advantages have been prepared for 105 of these areas. We have searched the nation for industrial prospects and sought in every honorable fashion to lure them to Alabama. In a great many cases, we have been successful.

Cities and towns all over Alabama are sharing in our industrial growth. In addition, we have worked closely with and supported Auburn Extension Service's Rural Resource Development Program to provide new economic opportunities for people in rural Alabama. Through the Area Redevelopment Administration, this program has already brought us loans of more than \$1 million to build, improve and enlarge facilities directly benefiting rural residents.

Alabama is rapidly becoming the outstanding industrial center of the South. We have many advantages here which industry

seeks, including a favorable tax structure and excellent financing plans. Consequently, I believe that we are just now entering a grand new era of industrial growth which should bring expansion totaling at least \$3 billion in this decade. Beyond doubt, our industrial future is very bright.

RECOMMENDATIONS:

1. I urge, in particular, that our industrial advantages be publicized in a coordinated promotional program, nationwide in scope, supported by a substantial increase in funds for this purpose in line with the competitive industry-seeking efforts of nearby States.

2. I recommend that the Rural Resource Development Program be continued and expanded to insure industrial growth in rural areas of our State as well as in urban areas.

INDUSTRIAL RELATIONS

During the last four years, the Department of Industrial Relations has secured more jobs for more people and paid higher unemployment compensation than ever before in State history. In addition, the department has strived to meet the changing demands of business, industry, labor and the public—all of whom it serves with an effective program implementing the State's development.

The department's employment service promotes growth by finding workers for all available jobs. In periods of recession, its unemployment compensation program serves as a cushion, helping the State to maintain a stable economy.

We have found some 350,000 jobs for out-of-work citizens in Alabama businesses and industries. Some 275,000 others have been placed on farms. In this administration, unemployment compensation benefits have been increased from \$28 to \$32 a week and maximum duration of payments from 20 to 26 weeks.

Significant changes have also been made in the workmen's compensation laws to better provide for injured employees. With modifications in the child labor laws, more job opportunities are now available to children. Special attention has been given to finding jobs for the physically handicapped (6,657 placed out of 12,176 who applied), for veterans (43,076 placed out of 65,099) and for persons in the upper age brackets (43,976 aged 45-63 and 1,167 aged 64-and-over placed out of 57,119).

The activities and services of the department have been streamlined and coordinated, contributing to Alabama's economic

expansion. Labor surveys have been made in many areas as an incentive to new industry. Job counseling and vocational guidance has been stepped up, especially in the high schools. Some 21,000 seniors have been interviewed with a view toward their employment in a wide range of industries.

Under the direction of Ralph R. Williams, the department has grown fast. Federal grants to the department have increased annually and now total about \$5 million a year. Twelve new local offices have been built over the State, and a five-story central office building costing \$1.2 million is now under construction on the State Capitol grounds. It will be ready for occupancy by summer.

The Industrial Relations Department probably affects the economy and welfare of more persons in Alabama than any other State agency. With its new facilities and accelerated programs, it is better prepared than ever to contribute to our industrial and economic growth.

RECOMMENDATION:

1. Further improvements in the unemployment and workmen's compensation laws are necessary to make these programs more realistic and adequate to meet the needs of the working man.

MILITARY

We can take extreme pride in our military organizations—the Air and Army components of the Alabama National Guard. Time and again, they have demonstrated their high state of readiness and defense capabilities. They have added new lustre to their records in the last four years.

Our units have been cited repeatedly by federal authorities for proficiency—probably the main reason the Alabama National Guard played such an important part in the "Berlin Crisis" call-up. From October 1961 until August 1962, a total of 2,500 Army Guardsmen and 1,500 Air Guardsmen served on active duty, many of them in Europe.

Only two other States could claim more guardsmen on activated status during this emergency.

As part of a nationwide plan, both the Army and the Air Guard have been reorganized. Major General Henry V. Graham, the adjutant general, has worked hard to make these changes as painless as possible. In addition, we have been faced with repeated threats of realignments, some of which would have severely crippled our guard program.

In our administration, 10 new National Guard armories have been completed and occupied, including (in Birmingham) the nation's first armory to house an evacuation hospital unit. Six additional armories have been programmed. The construction of 22 more outdoor firing ranges is now in progress, and numerous improvements have been made at the various Air Guard installations.

In the last year, construction has begun on a \$600,000 facility to house the U. S. Property and Fiscal Office and Combined Field Maintenance Shop on a 40-acre tract adjacent to Kilby Prison. Here, more than 100 persons will be employed to keep tab on Alabama National Guard equipment—including 3,000 vehicles, 15,000 small arms weapons, 4,000 radios and thousands of lesser items—and keep it all in good repair.

RECOMMENDATIONS:

1. As the National Guard program is vital to both our security and our economy, I urge concerted opposition to any and every proposed reduction in strength affecting personnel, units or armories.

2. I recommend that sufficient funds be provided for the care and maintenance of all National Guard armories, which are of great value to many communities throughout the State.

OIL PRODUCTION

Alabama's oil industry is expanding rapidly. In the last four years, the number of producing wells has almost doubled—increasing from approximately 240 wells to 450 wells. In this period wells have produced oil worth \$78.3 million and generated \$4.7 million in State tax revenue.

The Citronelle Oil Field, one of the largest fields in the world developed at a depth greater than 10,000 feet, is still growing. In the last year, a record 62 new wells were completed there. The secondary recovery program—injection of water to flush oil from certain rock and sand formations—has been extremely successful, and geologists expect at least 100 additional wells before the field's limits are determined.

The future for the exploration and development of oil looks bright. There has been increased leasing of land, geophysical prospecting activity and planned exploration drilling in various parts of the State.

Oil production is under the supervision of the State Oil and Gas Board, which now occupies a new building constructed on the University of Alabama campus during this administration. Fully equipped and adequately staffed, it is one of the finest such installations in the nation. The board is under the expert direction of the State geologist, Dr. Philip E. LaMoreaux.

RECOMMENDATION:

1. I urge the Board to continue to work closely with the oil industry and with local owners to ensure orderly growth and expansion. Every effort should be made to prevent shut-downs for any reason, such as the temporary closing of the Citronelle field last summer which cost the State's general fund \$400,000 in revenues.

CAPITAL EXPANSION

A building program totaling \$6.2 million has been undertaken in the State Capitol area during our administration. Of this total, four new buildings and eight barns (at the State Coliseum) costing \$5.4 million are now under construction. In addition, final planning is in process for three additional structures, including the Alabama State Bar Building.

We have built a new Police Academy and air conditioned the Archives and History Building. We are building modern office buildings for the Industrial Relations Department (now housed in the State Office Building) and the Highway Department. When its new facilities are completed, the Highway Department will give up its present building to the State agencies, including the Department of Public Safety, who now occupy outmoded and cramped quarters in a converted hospital building several blocks away from the Capitol.

By providing adequate facilities for our State departments, we are contributing to their efficiency, making these agencies better able to serve our citizens more effectively than ever before.

In addition to construction in the State Capitol area, we have erected new buildings all over Alabama. There is a new State Toxicology Building at Auburn University and a new State Oil and Gas Board Building at the University of Alabama. We have experienced the largest school-building and hospital-building program in history. Certainly Alabama is building for the future.

Most public building is supervised by the State Building Commission, of which William Lawrence, Jr., is director of the technical staff.

HEALTH

We have made tremendous progress in promoting the public health during the last four years.

Construction of hospitals and other public medical facilities reached the highest peak in our history. A total of 130 projects were approved and supervised by the State Health Department during this period. This hospital-building program was financed by \$35 million in federal funds and \$38 million in State and local funds.

In 1961, a \$2 million bond issue was authorized to assist local communities with public medical facility construction. In 1962, the Health Department moved rapidly to take advantage of the federal government's new accelerated public works program, winning approval for five Alabama hospital projects and bringing \$522,000 into the State.

Never has so much progress been made toward providing a truly adequate system of hospitals and related facilities for the people of Alabama. It is due to combined local, State and federal effort.

Health services in Alabama—other than hospitals—are now centered in 67 county health departments, 14 mental health clinics, 40 dental clinics, 69 maternity clinics, 54 child health clinics and eight tuberculosis sanatoria. This tremendous build-up of public health facilities has been accomplished under the outstanding direction of the late Dr. D. G. Gill, and is continuing under Dr. Ira L. Myers, new State health officer.

CONCLUSION

During the course of the last four years, Alabama has advanced as in no other period in our history. Our economy has quickened, with more people at work making more money. We have a higher standard of living. We are playing a leading role in the exploration of space, and we are in the midst of unsurpassed industrial growth. We have better schools, finer roads, additional hospitals, more docks, waterways and airports—and we cherish a renewed hope for even greater prosperity in the future.

Our administration has undertaken numerous programs and services to promote Alabama's development.

We have raised public assistance payments, provided the needy with free medical care and increased efforts in the fields

of alcoholism and mental health. We are doing a better job of rehabilitating the poor, afflicted and unfortunate. We are providing greater health services for our citizens. We have boosted unemployment compensation benefits and expanded our employment services. We have made progress in breaking down arbitrary barriers against the employment of handicapped and elderly persons.

Such services benefit citizens who need help the most. By helping them, we are helping to promote our State—for these persons, once on their feet—will certainly work to push us forward.

Our programs, in addition, are building for tomorrow. We have built inland docks and airports. We have extended our trade school program and enlarged our educational television network. We have added many new public parks, lakes, boat launching sites, picnic and hunting areas. Our new highways and new schools have been built with an eye to the future.

I can tell you that we have confidence in Alabama, in our continuing expansion, in our future prosperity. Our programs have been planned and executed with the future in mind, building now what is needed now to carry our State forward.

In the months and years ahead, I urge the promotion of Alabama in every way possible. The proper development of our ports, our industrial capacity, our tourist industry, our highway system and our State in general demands that Alabama be widely recognized as a progressive, growing area of our nation. To "sell" our State, we have engaged in regional travel shows, conducted trade missions, and advertised in national publications. Such activities as exhibiting in the New York World's Fair and returning the U. S. S. Battleship Alabama as a permanent memorial would, in my opinion, serve to bring Alabama favorable attention. Other States are conducting such campaigns, and we must do everything we can to advance Alabama's good name outside our State as well as within.

At the same time, we must not abandon the fight to maintain our sovereignty as a State. In my inaugural address, I pledged to you that I would be unyielding in my opposition to the wrongful usurpation of power by the federal government. I report to you that we have fought constantly to retain and preserve our rights which are guaranteed in our Constitution and we have resisted with every power at our command every attempt by the federal government and all others to trample upon our rights and meddle in our affairs. We have refused to retreat one step or back up one inch.

Almost every day there are new instances of attempted federal intrusion. We must continually repel all such encroachments. We must never surrender any of our sovereign rights.

In recounting some of the noteworthy events of the last four years, I would be remiss if I did not pay tribute to the heads of the departments of the Executive branch of our State government and to all other officials and employees of the State, who have worked so hard to implement and carry out our programs. By their labors, we have progressed.

I am also grateful to the members of the State Legislature, whose wisdom and foresight have guided our State and helped to shape our destiny. In profound sense of gratitude, I thank the people of Alabama for entrusting me with the leadership of our great State and for their confidence in our administration. No person could receive a higher honor. In every undertaking, the public trust has always been paramount.

We have given the people honest, efficient and progressive government. Every campaign promise which I made to the people of Alabama when I ran for Governor has been carried out. We did what we said we were going to do. And we are leaving our State government in sound financial condition.

Everyone can take pride in the unparalleled progress which has been made in the last few years.

On the 14th of this month the reins of leadership will pass into other hands, and the daily burden of responsibility will shift to new shoulders. During this period of transition, we have attempted to ensure a continuity of all governmental activities. I am confident that with your loyalty and support Alabama will continue to move forward under the leadership of the new administration.

It has been a rare privilege for me to serve the people of Alabama as their Attorney General and as their Governor. Although my term is ending, I assure every citizen that I will always work to serve my State in every way possible. On our labors, jointly and severally, I invoke the blessing of Almighty God.

ALABAMA LAWS
(and Joint Resolutions)
ORGANIZATIONAL SESSION, 1963

Act No. 1

S. J. R. 4—Clark

SENATE JOINT RESOLUTION

WHEREAS, the Special Session of the Legislature of Alabama of 1962, by Act No. 136, approved July 16th, 1962, created a joint legislative interim committee to make a study of ways and means of solving the problems of mental health and mental retardation in the State, it being the duty of the committee to make such investigation, conduct such surveys and examine such witnesses as the committee deems necessary for the proper discharge of its functions; and,

WHEREAS, the committee has had many meetings, and conducted many hearings, and has made an exhaustive study but has not completed its work, it is necessary and desirable to continue said committee in existence,

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the joint committee heretofore established by Act No. 136 of the Special Session of the Legislature of 1962, approved July 16, 1962, shall continue in existence as presently constituted and shall continue its work as directed in said Act No. 136. The committee shall make a report as directed in said Act No. 136 and such other reports during the interim as it may deem necessary and shall make a final report during the regular session of 1965.

BE IT FURTHER RESOLVED that no member of the committee shall be paid any per diem or expenses while the Legislature is in session, regular or special, however, at other times each member of the committee shall be entitled to per diem and expenses as provided for in Act No. 136, and such per diem and expenses of the members of the committee, and the compensation for clerical and professional help to the committee shall be paid from any funds appropriated for the use of the Legislature without regard to the limitation placed therein by Act No. 136, provided however, that members of the committee shall not receive per diem in excess of 48 days per calendar year.

BE IT FURTHER RESOLVED that members of such committee are hereby authorized to serve as the legislative representatives on any inter-agency Planning and Coordinating Com-

mittee and to in all ways work towards a Master Mental Health Plan for Alabama.

Approved January 9, 1963.

Time: 11:25 A. M.

Act No. 2

S. J. R. 6—Shelton

SENATE JOINT RESOLUTION

Whereas, the loss of local markets to foreign imports has caused the shut-down of numerous industrial plants in Alabama with the consequent loss of thousands of jobs, as is attested by findings of a recent survey made under the auspices of the Southern Research Institute in which it is estimated that 20,000 jobs have been lost in the past five years in the Birmingham District alone, due largely to the loss of markets to foreign imports; and

Whereas, Calhoun and Etowah counties have recently lost plants attributable to increased foreign imports, since the iron and steel industry of this state and our extensive textile industry are particularly vulnerable to unfair competition provided by imported foreign products manufactured with cheap labor and subject to low import duties; and

Whereas, the payment of unemployment compensation, the cost of job retraining and the relocation of families creates a drain on tax resources, while at the same time the loss of industrial production and jobs produces a drop in federal, state and local tax revenues; and

Whereas, the continued unrestricted flow of foreign imports into this country constitutes a serious threat to the economic stability of this state; and

Whereas, Congressman George Huddleston has expressed an intention to reintroduce H. R. 403 in the Eighty-eighth Congress to limit imports and set higher rates of duty on imported products; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body expresses strong support of Congressman Huddleston's bill designed to protect and promote the security of a vital segment of Alabama's economy, and does hereby urge the Alabama Congressional Delegation individually and collectively to exert their influence to secure enactment of Congressman Huddleston's measure.

Resolved Further, that copies of this resolution be sent to each member of the Alabama Congressional delegation in Washington; to the Speaker of the House of Representatives of the United

States; to the President and Vice President of the United States; to Hon. Luther Hodges, Secretary of Commerce; and to Hon. Dean Rusk, Secretary of State.

Approved January 9, 1963.

Time: 11:30 A. M.

Act No. 3

H. J. R. 8—Perry, Jones (Monroe), Rast,
Rogers, Morrow, Gilmore,
Hawkins, Bethea (Barron),
Etheredge, Sessions.

HOUSE JOINT RESOLUTION

WHEREAS, Lee Roy Jordan has completed his football career at the University of Alabama and

WHEREAS, Mr. Jordan has covered himself with honor and reflected great credit on his school, his state and in the highest tradition of sport, and

WHEREAS, he is now entering upon two new careers as rancher and in the field of professional play; now therefore

BE IT RESOLVED that the Legislature of Alabama, both Houses thereof concurring, on the first day of the Organizational Session of 1963, that our thanks and commendation and our heartfelt best wishes go with everybody's All American: LEE ROY JORDAN;

BE IT FURTHER RESOLVED that this resolution be spread upon the Journals of the House and the Senate of Alabama and that copies be forwarded to Mr. Jordan, his distinguished coach, Paul (Bear) Bryant, the presidents of Alabama and Auburn Universities, and to each of the directors of the Football Hall of Fame.

Approved January 9, 1963.

Time: 11:31 A. M.

Act No. 4

H. J. R. 2—Fite

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature;

JOINT RULES

OF THE TWO HOUSES OF THE LEGISLATURE OF
ALABAMA

REGULAR SESSION, 1963

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bills.

4. All bills for amendment to any section or part of the Code by reference to the section or other subdivision of the Code must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor, noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number and title of the bill and time of delivery, which shall be spread upon the Journal.

6. All legislative documents, reports, or other papers which may be ordered printed by either house shall be printed in octavo form, 23 ems measure in width, in 10 point type, with one lead only, saddle stitched or wired on the side, and the title page shall have a heading in substantially the following form:

IN THE LEGISLATURE OF THE STATE OF
ALABAMA

REGULAR SESSION, 1963

Legislative Document No. _____ (or Calendar No. _____, for that publication, with the name of the particular house.)

7. Bills or resolutions ordered printed by either house, or by any committee or the chairman thereof under the rules of the respective houses shall be given a printed bill number in the order received by the printer, in addition to the Senate or House number, to be saddle stitched or wired on the left side, and the heading of each shall be substantially as follows:

Printed

Senate (or House)

No.

No.

IN THE LEGISLATURE OF THE
STATE OF ALABAMA

REGULAR SESSION, 1963

Jan. (or other date).....Senate (or House) Bill (or
resolution) No., introduced by Mr.
of (County).

Read 1 time and referred to committee on
(or such other action, showing status at date printed).

Jan. (or other date)..... copies ordered
printed by the Senate (or House).

8. The printer shall print two hundred and fifty copies of
each legislative document for the use of the Department of
Archives and History, unless otherwise ordered by the Director.

9. The privileges of the floor of both houses are accorded the
Directors and employees of the Department of Archives and
History and the Legislative Reference Service in aid of the
reference work required by law to be done by the Service for
members of the Legislature.

10. The Presiding officer of the Senate shall preside when the
two Houses meet in joint sessions.

Approved January 17, 1963.

Time: 10:25 A. M.

Act No. 5

H. J. R. 7—Thomas, Locke

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTA-
TIVES, THE SENATE CONCURRING, That:

WHEREAS, there will be introduced a number of bills in
both houses of the legislature, a large number of which will have
overlapping and possibly conflicting provisions, particularly con-
cerning the operation of the public school system, the exercise
of the police power of the state, counties and municipalities, the
registration of voters and other matters of general importance,
and

WHEREAS, the convenience of persons interested in such
legislation in presenting their views thereon, and the orderly and
expeditious consideration of such proposed legislation by the

regular constituted committees and by the legislature would be facilitated by a joint committee of both houses created to review, consider, and coordinate such bills and resolutions.

THEREFORE, BE IT RESOLVED THAT:

1. The Speaker of the House and the President of the Senate respectively appoint 9 members of the House and 6 members of the Senate to serve as a Coordinating Committee of the Legislature;

2. There shall be sent to the Coordinating Committee for its recommendations by the chairmen of the regular standing committees to which bills and resolutions have been referred, copies of all bills and resolutions dealing with the maintenance of peace and order of the state or any community, the exercise by the state or any county or municipality of its police power, the operation of public schools, and other related matters deemed to be suitable for the consideration and recommendations of said committee;

3. Said Coordinating Committee shall meet at such times, places and manner as it may determine to consider, coordinate and make recommendations with respect to bills and resolutions of both houses which may be sent to it;

4. Standing committees shall defer public hearings or other action upon bills or resolutions referred to them while the same are before the Coordinating Committee for its recommendations.

5. The Clerk of the House and the Secretary of the Senate are requested to provide the Committee with the necessary clerical assistance.

Approved January 17, 1963.
Time: 10:26 A. M.

Act No. 6

H. J. R. 11—Martin

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the records of the Interim Committee on Insurance, which are now in the possession of the Clerk of the House, be delivered to the Department of Archives and History for preservation and permanent keeping.

Approved January 17, 1963.
Time: 10:27 A. M.

Act No. 7

H. J. R. 9—Fite

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two Houses adjourn today, they adjourn to meet again on Tuesday, January 15, 1963, at 12 o'clock, Noon.

Approved January 17, 1963.

Time: 10:28 A. M.

Act No. 8

H. J. R. 14—Fite

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Joint Session of the House and Senate be held at 12:30 o'clock today for the purpose of hearing the message of the Honorable George Wallace, Governor of Alabama.

And be it further resolved, That a committee of three from the House to be named by the Speaker of the House and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved January 17, 1963.

Time: 10:29 A. M.

Act No. 9

H. J. R. 15—Callahan

HOUSE JOINT RESOLUTION

WHEREAS, Lister Hill, senior Senator from Alabama, has devoted 39 years of his life to service of the people of Alabama in the Congress of the United States; and,

WHEREAS, Lister Hill has served this state and nation for 25 years as a Senator and has achieved national recognition for his contribution to the growth and development of our state and nation; and,

WHEREAS, Lister Hill has earned the affection and esteem of his colleagues in the Congress of the United States as evidenced by the expressions on the floor of the Senate on January 9, 1963, on the occasion of his Twenty-fifth Anniversary as a Senator; and,

WHEREAS, Lister Hill has never wavered from his devotion to principle and his selfless determination to promote the welfare of the people of Alabama and of the United States,

NOW, THEREFORE, the people of Alabama through their elected representatives in the Legislature of Alabama, both Houses concurring, do hereby express their appreciation for the long, distinguished, devoted and fearless service of Lister Hill and wish for him many more years of good health and humanitarian devotion to this state and nation.

BE IT FURTHER RESOLVED that copies of this resolution be delivered to the President of the United States Senate, to Senator Hill and Senator Sparkman, and to each member of the Congressional Delegation from Alabama.

Approved January 17, 1963.

Time: 10:30 A. M.

Act No. 10 H. J. R. 16—Sessions, Rast, Bailes, Meeks, Callahan, Sullivan, Bevill, Reynolds, Campbell, Cantrell, Cates, Jones (Monroe), Merrill, Cornett, Perry, Collins, Pierce, Daniel, Locke

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That the members express warm thanks to Mr. Robert P. Stapp for the cordial and gracious hospitality extended the members on Monday evening, January 14. We enjoyed the splendid fare and deeply appreciate this display of solicitude for our entertainment.

RESOLVED FURTHER That the Clerk of the House is directed to send a copy of this resolution to Mr. Stapp.

Approved January 17, 1963.

Time: 10:31 A. M.

Act No. 11

H. J. R. 17—Pierce

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we express our sincere thanks to the following named gentlemen and business houses of the City of Montgomery for their solicitude in providing for and arranging the service of fine food and drink served to the guests at the inaugural ball held at the Coliseum on Monday evening, January 14. We are

deeply grateful to Messrs. John English and Saul Ginsberg of Dale's Penthouse, Toofie Deep of the Sahara, Mike Miaoulis of the Seven Seas, Morris Varon of Varon's, Sam Pasvantis of Hooper's Cafe, and the Capitol Linen Supply Company, for their concern for the comfort and enjoyment of Montgomery's distinguished guests on this occasion.

RESOLVED FURTHER that the Clerk of the House be directed to send copies of this resolution to the gentlemen and firms named in this resolution.

Approved January 17, 1963.

Time: 10:31 A. M.

Act No. 12

H. J. R. 18—Thomas

HOUSE JOINT RESOLUTION

WHEREAS, All the Inaugural Festivities of Inauguration Day, January 14, 1963, were conducted with beauty and precision that would not have been possible without the outstanding planning and performance of the Inaugural Committee; and

WHEREAS, The people of Alabama were justly proud of the parade, the ceremonies, and other festivities of this auspicious occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we heartily commend and express sincere appreciation to the Inaugural Committee and especially its chairman, John Pemberton, and Messrs. Taylor Hardin, Bob Weller, and Nace Allen, Joe Smelley, Jack Seaborn, John Haigler and the entire Committee for their splendid efforts in helping make Inauguration Day, January 14, 1963, truly a memorable day in the history of Alabama.

Approved January 17, 1963.

Time: 10:32 A. M.

Act No. 13

H. J. R. 19—Thomas

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That this body warmly commends and expresses its gratitude to the Montgomery Police Department, the Montgomery County Sheriff's Office, the State Department of Public Safety, the State Department of Conservation and the Alabama National Guard for their especially successful performance in making Inauguration Day, January 14, 1963, a safe, orderly and enjoyable occasion for the countless

thousands who came to the City of Montgomery for the inaugural festivities.

Approved January 17, 1963.

Time: 10:32 A. M.

Act No. 14

H. J. R. 21—Thomas

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and express sincere thanks to Messrs. Haygood Paterson and L. T. Farris for their outstanding performance in planning the Inaugural Ball last evening in such a manner that it was made a most enjoyable and pleasant occasion for thousands of Alabamians who participated in the spectacular event.

Approved January 17, 1963.

Time: 10:33 A. M.

Act No. 15

H. J. R. 20—Thomas

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and express sincere thanks to Mrs. Bill Gunter and her committee for their outstanding performance in planning the tea or open house at the Mansion on the afternoon of inauguration day in such a manner that it was made a most enjoyable and pleasant occasion for thousands of Alabamians who participated in the spectacular event.

Approved January 17, 1963.

Time: 10:34 A. M.

Act No. 16

H. J. R. 22—Fite

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That there shall be a joint interim committee on finance and taxation, to meet on call of its chairman during the interim between the dates of January 28, 1963, and the first day of March next following, who shall make a study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing the state government and its programs, particularly education and highways, and report its findings, conclusions, and recommendations

to the Governor and to each house of the Legislature at the next legislative session, regular or special.

The committee shall consist of the members of the Senate Committee on Finance and Taxation plus the President Pro Tempore of the Senate and the members of the Ways and Means Committee of the House, the Speaker of the House, and four members of the House to be appointed by the Speaker of the House. The Lieutenant Governor shall be an ex officio member of the committee. The chairman of the Senate Committee on Finance and Taxation shall be chairman of the interim committee and the chairman of the Ways and Means Committee of the House shall be vice chairman.

The chairman of the committee, or in his absence, the vice chairman, shall set the schedule and program for committee work. He shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee. He may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The chairman of the committee may employ such clerical, technical, and expert assistance as the committee may find necessary in performing its duties.

The compensation of committee members and committee employees shall be paid as provided in Code 1940, Title 32, Sections 13 and 14, and the members shall each be entitled to expenses as provided therefor for legislative sessions.

RESOLVED FURTHER, That the final report of the committee shall be submitted to the Governor no later than Friday, March 1, and upon the submission of such report the committee shall be dissolved.

Approved January 17, 1963.
Time 10:22 A. M.

Act No. 17

H. J. R. 23—Fite

HOUSE JOINT RESOLUTION RELATING TO LEGISLATIVE SUPPORT FOR GOVERNOR WALLACE

WHEREAS, the State of Alabama is confronted today with problems the magnitude and gravity of which have not been equaled since the perilous days of the War between the States.

Our highways are the vital arteries of our commerce and livelihood. The depletion of funds upon which the continued construction and maintenance of the system is dependent poses an urgent problem which will require immediate remedial action, but also it calls for formulation of a program to assure the continuous sound and economic development of our highway system.

Our educational system has been caught up in the revolutionary strides in man's conquest of knowledge and technological development. There is no choice but to respond to the challenge with vision, determination, and in a spirit of sacrifice in keeping with the trust we hold for the children of today and of future generations. The task is great. The problems are many; it is a job that can and must be done; it cannot wait.

These and other problems of an internal nature are serious and compelling. However, we as members of the State Legislature are together with Governor Wallace faced with a problem involving Federal-State relations of utmost gravity and far-reaching consequences, not only to the people of Alabama, but to all of the people in all of the states.

There has been established in this nation a judicial oligarchy in the form of the Supreme Court of the United States. The very foundational concepts of constitutional government have been repudiated by the Supreme Court. The ultimate power of government which belongs to the people has been usurped by the Supreme Courts. The constitutional doctrines of separation of powers, states' rights, of constitutional amendment have been altered. The Supreme Court legislates, and recognizes no constitutional limitation upon its powers.

Some Federal courts attempt to control the states' judiciary; they have asserted authority to abolish and create seats in state legislative bodies; they assert authority to arrest a governor and to control his discretionary acts by mandatory injunction and threats of penal contempt. All departments of state government are made subservient to the will and dictates of the Supreme Court.

America's unique and most significant contribution to the concept of public education lies in the method of control of schools and policies by local state authorities. Therein lies the strength of our system and its capacity to meet the divergent needs of separate communities. The Supreme Court has invaded this sacred area of our lives. This encroachment of the federal judiciary must be faced. This problem is upon us. It is here. The solution will require vision, dedication to principle and a firm resolve. Now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this body pledge to Governor Wallace our support in his efforts to resolve these perplexing problems. We stand with him with full determination to resist these federal usurpations. At no time will we in Alabama voluntarily submit to the integration of our schools.

Approved January 17, 1963.
Time: 10:20 A. M.

Act No. 18

H. J. R. 25—Edington, Rogers, Hogan,
McDermott, Engel, Fields,
Downing, Smith

HOUSE JOINT RESOLUTION

WHEREAS, in the late Spring of 1962, the U.S. Navy announced that the World War II Battleship USS ALABAMA (BB-60) would be taken out of the mothball fleet and sold for scrap. A chamber of commerce group in Mobile reacted to this announcement by requesting a delay until a plan to save this heroic ship could be investigated. Such delay was granted by the Navy Department.

In response to a directive contained in a Joint Resolution of the House and Senate of the Legislature of Alabama, Governor John Patterson appointed a special committee to determine the feasibility of acquiring the USS ALABAMA as a memorial to the men and women who served and died in World War II and the Korean Conflict; and to report its findings to the 1963 Legislature.

This committee has been charged with the duty of ultimately reporting to the Legislature in early 1963 on the project; and, if favorable, with a complete outline of steps necessary to accomplish it. At that time, it is contemplated that a Memorial Commission would be created to administer the project, and that this Commission would function as an arm of the State without relinquishing any sovereignty.

Following its initial meeting in September, sub-committee members made trips to Bremerton, Washington, to inspect the subject vessel; to Wilmington, North Carolina to inspect the USS NORTH CAROLINA, a similar memorial; to Houston, Texas, to inspect the USS TEXAS, another memorial; and to Washington, D. C. to confer with the Navy in the Pentagon.

The entire Committee reconvened on November 27, 1962 to hear and consider the reports of the several sub-committees. The Committee then concluded that the project is feasible, and that once the vessel is permanently berthed in the proper location, she will be self supporting from admission charges. This final determination of the Committee was unanimous and enthusiastic; a favorable report will be made with the recommendation that the Legislature enact suitable legislation to launch the program.

In order to prepare this report in time to present to the Legislature in early 1963, the Committee is digging deeper into the many problems involved to develop as much information as possible, so that there will be a minimum delay in launching the program; and

WHEREAS it is imperative that further action be taken by the Legislature before January 31, 1963, when the work is scheduled to begin on dismantling the USS ALABAMA; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim committee of five members be appointed, two members of the Senate and three members of the House, to work with the Governor's committee established pursuant to HJR 22, Special Session 1962, who shall take whatever steps may be suggested to forestall or delay the dismantling or disposition of the USS ALABAMA otherwise than by transfer to the State of Alabama for use as a memorial. The committee shall serve without compensation.

RESOLVED FURTHER, That this body memorializes and petitions the Secretary of the Department of Defense and the Secretary of the Navy to withhold any action and plans for dismantling or disposing of the USS ALABAMA until the report of the Governor's committee is written and filed with the Legislature in accordance with HJR 22; and that this body requests the Honorable Lister Hill and the Honorable John Sparkman, United States Senators, to call upon the President of the United States and the Secretary of Defense to request that all action looking toward the dismantling or disposition of the USS ALABAMA be withheld until the final report of the committee shall have been written and filed.

The Clerk of the House is directed to send copies of this resolution to Senators Hill and Sparkman and to the Secretary of the Department of Defense and to the Secretary of the Navy.

Approved January 17, 1963.
Time: 10:40 A. M.

Act No. 19

H. J. R. 26—Hawkins

HOUSE JOINT RESOLUTION

WHEREAS, no field of government activity touches more intimately and contributes more fully to the life of each citizen of a state than a well organized and efficient public health department; and

WHEREAS, Alabama's Department of Public Health is recognized throughout this country and in many other countries as a paragon for other states to emulate, and much of the credit for the eminence of Alabama's Health Department is due to Dr. D. G. Gill, who for a period of 37 years served efficiently, devotedly and faithfully in numerous positions in that department, always contributing unstintingly of his time and talents to the benefit of Alabama's people; and

WHEREAS, Dr. Gill was truly a humanitarian who, though he won both national and international acclaim for his active participation and leadership in world-wide organizations devoted to eliminating or curbing disease and alleviating the pain and suffering of the human race, also found time to be a leader in civic, social, and religious activities in Alabama, his adopted home; now therefore, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of our beloved and esteemed State Health Officer, Dr. Gill. Alabama has suffered a great loss. The sincere sympathy of the members of this body is extended to Mrs. Gill and to the surviving members of Dr. Gill's family.

RESOLVED FURTHER, that the Clerk of the House is directed to send a copy of this resolution to Mrs. Gill at her home in Montgomery, Alabama.

Approved January 17, 1963.

Time: 10:41 A. M.

Act No. 20

H. J. R. 27—Perry, Rast, Morrow

HOUSE JOINT RESOLUTION

Whereas the G J of Montgomery County has instituted an investigation into the conduct of the business of the Highway Dept. of the State, and

Whereas the same G J has filed an interim report which has caused grave doubt to surround the conduct of some of the business of the Highway Dept. and

Whereas this doubt existing in the minds of the legislators and in that of the people of Alabama is hurtful to the proper growth of the highway system of Alabama,

Now Therefore Be It Resolved that the Attorney-General be requested to investigate all of the charges contained in the report of the Montgomery County G J and that the Attorney-General in the conduct of his investigation seek the aid of the G J & its Foreman.

Be It further resolved that the Attorney-General be requested to make a full report of his findings at the earliest possible time to the Interim Committee of the Legislature meeting to discuss the problems of State Finance and of increased financial support to the Highway Dept.

Approved January 17, 1963.

Time: 10:50 A. M.

Act No. 21

H. J. R. 28—Heflin

HOUSE JOINT RESOLUTION

WHEREAS Miss Rebecca Bentley of Thorsby, Alabama's vivacious and talented Maid of Cotton, achieved national recognition recently by being selected the first alternate to the Maid of Cotton for 1963 in the national contest; and

WHEREAS her beauty, ability, poise and charming manner admirably qualify her for this distinctive honor; and

WHEREAS such recognition redounds to the benefit of all Alabamians by creating favorable publicity for the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Miss Bentley for her success in national competition and extend to her our sincere appreciation for the favorable interest that she created in the state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Miss Bentley.

Approved January 17, 1963.

Time: 10:51 A. M.

ALABAMA LAWS
 (and Joint Resolutions)
 OF THE
LEGISLATURE OF ALABAMA
 PASSED AT THE
 FIRST SPECIAL SESSION OF 1963
 HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
 COMMENCING FRIDAY, MARCH 8, 1963



**WITH AN INDEX PREPARED BY THE
 LEGISLATIVE REFERENCE SERVICE**
GEORGE C. WALLACE, Governor
JAMES B. ALLEN, Lieutenant Governor
GEORGE HAWKINS, President Pro Tem. of the Senate
ALBERT P. BREWER, Speaker of the House
RANKIN FITE, Speaker Pro Tem. of the House
J. E. SPEIGHT, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1963 First Special Session of the Legislature of Alabama and is the official publication of such acts.

Mrs. Agnes Baggett,
 Secretary of State.

**MESSAGE OF GOVERNOR GEORGE C. WALLACE
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT FIRST SPECIAL SESSION, MARCH 8, 1963**

Lt. Governor Allen, Mr. Speaker, Distinguished Members of the Senate and of the House of Representatives.

First of all, let me thank you for the warm and generous reception you have given me here today.

I also want to pay tribute to Alabama's Educational Leaders who suggested I call one extraordinary session to consider our highway problems and another to seek a solution to some of our problems in education. It is my hope that we will be able to complete our work quickly in this session and move on to another for education.

I am convinced that two sessions will, in the long run, be more economical to the State.

It is gratifying to me, as I look over this House Chamber, to know that I am part of a team which has as its members so many capable and outstanding citizens of Alabama.

I have said it before, and I say it again today—and with sincerity—the members of these two legislative bodies are assembled together as the finest Senate and House to ever grapple with the problems which face the Great State of Alabama.

These problems are many.

The solutions are not easy.

I will work with you to solve those problems, and I fully believe that together the legislative and executive branches of the government—we can move Alabama forward—forward to its rightful place in the Nation we call our own.

Today, however, and in the immediate days ahead, I am asking you to consider the financial condition of our State Highway Department.

Additionally, I am asking that you consider, in this session, amendments to the statutes for retirement benefits for our school teachers and state employees who have retired or who will retire in the future.

Our state employees are dedicated to their jobs. It is right and proper that we provide adequate retirement benefits for them.

Later on, as I have discussed with various members of these houses, and as you have seen reported in the various news-media,

I will ask you to consider other problems—education—the mentally ill—old-age pensions, industrial development, tourist development and a host of others.

But today, and this is supported, as I have indicated earlier, by Alabama's educational leaders, I want us to consider the highway problem.

Transportation has always been, and still is, one of America's—and Alabama's big problems. It is a problem which must be met with the same courage we must summon to face other vital issues of the day.

Roads—our highways—are today, as always, the basic means of transportation. The other systems, and they are vital—railroads, waterways, the air and pipelines—aid and supplement the highway system.

We have spent in Alabama an enormous amount of money to bring our highway system to where it is today. But it is not enough.

We must do more.

We need the roads—there is no question about that. We must have them if our economy is to expand.

We need roads for industrial, cultural and spiritual advancement.

We need them for National and Civil defense.

We need them to reduce the frightful toll of human lives taken each year by accidents on inadequate highways.

We need them to bring people from every section of Alabama together—in understanding—in economic, cultural and civic exchanges.

The real problem of road building in America is new—and peculiar to our kind of economy.

We live in a country where every citizen can own an automobile and use the highway when and how he wants to—and if you are in some of our cities in the early morning or late afternoon, you will see that just about everyone decides to use the roads at the same time and in a way—sometimes—they individually like.

And just as the arteries of our blood must be prepared to handle the emergencies of physical exertion or let us die—so the arteries of our public communication must be able to handle the convulsions of seasonal, weekly and daily peaks in traffic or let highway anarchy prevail.

If an inadequate highway system should prevail in Alabama—and in the other states of the Union—it could cost us our national life.

Alabama teems with prime targets for enemy missiles. From the Tennessee Valley dams and Huntsville's Space Center to Birmingham's gigantic steel industry to the busy port of Mobile, we are in the enemy's sights at all times.

None of our cities possess anywhere near adequate road facilities to evacuate swiftly the thousands upon thousands of our citizens who would seek to leave these cities in the event of a nuclear attack.

But, as important as that is to our national welfare, we face the problems daily of moving thousands of people from their homes in the suburbs and outlying areas to their jobs in the city.

The answer, of course, lies in the construction of adequate freeways and expressways to move traffic efficiently and safely at peak rush hours. This will mean a saving to us in money, in time and, most important, in lives.

I can envision the day, and I trust it is not too far in the future, when you can drive from one end of Alabama to another by scarcely slowing down for a traffic light.

Trucks can move on hour after hour, delivering the necessities of life to all of us in faster time—and without piling traffic up behind when going uphill. Hills will melt away—and distances will evaporate.

Our expressways and freeways, as an integral part of our interstate highway system, are the first serious effort at recognizing the tragic plight of our strangling big cities. We are now trying to cleave through the tangled approaches to Birmingham, Montgomery, Mobile, Huntsville and our other cities and clear multi-lane avenues of entrance and exit.

The freeways and expressways of our Interstate system will slice directly through these clogged city streets, take people through the heart, around the city and out to the open road on the other side.

I have tried to impress upon you the critical need for highways, particularly in Alabama.

Now, with your permission, I want to tell you something about our State Highway Department plans during this Administration.

First, let me tell you that we will have an outstanding highway Administration during the next four years.

The Highway Director, Mr. Rodgers, has set as his goal, and I heartily concur, the building of the best highway department in

the Southeast. I predict he will be successful, and of course, the outcome of this special session of the Legislature is vital to its success.

Mr. Rodgers has made a comprehensive report to the interim study committee on Highway Department Finances, and because of the work done by that group, many of you are familiar with the financial status of the Highway Department.

I now quote from the Committee's report submitted to me at the conclusion of its hearings.

"The Committee finds and recommends that these monies available from the Federal Government should be matched since these represent taxes paid by citizens of Alabama to the federal government which will be diverted to other states if we do not take advantage of the matching provisions of the applicable federal statutes."

"There are many county roads of vital importance to the people of Alabama which can not qualify for federal matching funds and thus become the responsibility of the local and state government. The Committee finds that it is necessary to the proper administration of a sound highway program that State-Grant money to the counties be made available for the construction and maintenance of these vital arteries throughout Alabama."

"The municipalities of Alabama are facing an acute crisis in the construction and maintenance of urban traffic arteries, many of which are not a part of our primary road system but nevertheless are thoroughfares and carry an increasing load of through traffic requiring increased construction and maintenance expenditures beyond the financial capabilities of the municipalities, and the committee finds that it is essential to the proper administration of a sound road program for the State of Alabama that the state provide assistance to the municipalities in meeting this serious problem."

"The committee further finds that the revenues presently available to the Highway Department and the normal increases anticipated therefrom, particularly in view of the recent retirement of an outstanding bonded indebtedness of the Highway Department, are sufficient to amortize a bond issue without restricting or hindering the normal operation of the Highway Department and the maintenance of the present road system in the State."

Our plans are, and I hope you concur, to provide the necessary funds for an overall road program.

I believe you will be interested in some of the specific plans the highway director is putting into effect to reorganize and streamline that department for its primary purpose—efficient road building.

Efficiency and economy will be our watchwords in highway building and maintenance, as it will be throughout the framework of your State Government.

You are familiar with the economies we have instituted already.

All unnecessary spending has been stopped.

We have halted the abuse of the use of state cars, and we are cutting the number of state cars by 25 per cent.

We have reduced the funds for the governor's office.

We have tied up the state yachts, one has been sold and we have bids under consideration for the sale of the other.

We are rigidly curtailing the use of airplanes belonging to the state.

And, too, let me remind you—we've fired the liquor agents.

Because the majority of our people now live in urban areas, we are going to put much stress on urban interstate work.

New divisions of urban interstate engineers have been established in Montgomery and Birmingham. We have experienced career engineers to lead these divisions.

Soon, we are to organize a Bureau of Urban Aid in the Montgomery Office. This will enable the Highway Department to meet the requirements of the Federal Highway Act of 1962.

This act provides for the development of long range highway plans and programs which are formulated with due consideration to their probable effect on the future development of urban areas of more than 50 thousand.

The new Bureau of Urban Aid will also assist small communities in comprehensive, long range planning in line with overall highway needs, studies and programming.

Since federal, state and local governments are involved, studies will be made on a cooperative basis with the state logically and rightfully taking the lead.

Business, industrial, and other highway user groups have been invited to join in this master highway transportation plan.

Secondly, we plan to expand the scope of highway research. To accomplish this, we have established a new Bureau of Research and Development.

The Bureau of Public Roads provides that two per cent of all federal funds are to be used for research, development and planning.

Under this two per cent provision we will have about \$300,000 annually to allot to research.

Already, since the beginning of this Administration, we have approved five research projects totaling \$75,000. These will be done by appropriate agencies of the University of Alabama and Auburn University.

Third, we have organized a new Bureau of Planning and Programming. We have developed and placed in effect a two-year road building plan based on studies and engineering that have already been accomplished within the Highway Department. Our goal is a five-year continuing program based on priorities so that major needs are met first.

Fourth, we have taken steps to initiate what is known as the Concurrent Audit Program. This revamping of our auditing, accounting, and billing systems will enable the State Highway Department to receive payments from the Bureau of Public Roads more promptly.

Only about twelve states in the nation have adopted this Concurrent Audit Program, which will be installed in our Highway Department by October 1st of this year.

Federal funds now available in excess of \$100 million plus yearly allotments of more than \$70 million will, during the next four years, make available more than \$100 million per year in federal highway funds which the state will have to claim as the work progresses.

During the next eight years over \$700 million—this exceeds the total for the past 36 years—will be available in federal funds for use in building and improving highways. When matched, this \$700 million will provide an eight-year highway program of more than \$900 million.

The handling of this much money calls for the best financial and accounting procedures available—hence the Concurrent Audit Program.

Of course, our biggest highway construction project is Alabama's 878 miles on the Interstate System of National and Defense Highways. We now have 190 miles of these multi-lane, super-highways open to traffic, with an additional 51 miles scheduled for completion this year.

Our goal is another 100 miles of interstate in use in 1964. Since Alabama is about two years behind on interstate construction, we probably will not meet the Bureau of Public Roads objective of one-half the interstate mileage under traffic by January 1, 1965.

However, we are currently considering additional consulting engineering contracts, and we are developing plans to let demolition and construction contracts in Birmingham before the end of this year. Work on the Red Mountain Expressway is underway now.

The 190 miles of controlled access, interstate highways now being used by Alabama motorists consist of stretches varying from seven miles to 46 miles.

Shown in green on the map, open sections on Interstate Route 65 to the Tennessee line from Mobile include:

7 miles of the Mobile Belt line, from U. S. Highway 90 to U. S. 45.

39 miles from Atmore to Evergreen.

46 miles from Liberty Church to Alabaster.

28 miles from Kimberly to U. S. 278, at Cullman.

Two sections of Interstate Route 85 from Montgomery to the Georgia line at Lanett are under traffic:

11 miles from Mt. Meigs east to Shorter.

12 miles from Auburn to Opelika.

Interstate 59, which extends from the Mississippi line or east to the Georgia line, has two segments open to traffic:

9 miles from Argo to Alabama Route 23 east to Springville,

23 miles from Ala. 35 west of Ft. Payne to the Georgia line.

From Birmingham east to the Georgia line, Interstate Route 20 has two sections open to traffic:

8 miles from Red Diamond Mines east to Brompton.

7 miles from Eden to Riverside.

The most important benefit of interstate highways now in use is without question the reduction in number of traffic accidents—the saving of human lives.

A national estimate gives the interstate routes a safety rating $2\frac{1}{2}$ times greater than the highways they replaced. A highway department survey on two open sections of Interstate Route 65 showed an even greater reduction in fatalities: The Ratio of lives saved in Alabama was 8 to 1 during a one-year period.

The Alabama Highway Department safety survey compared Interstate Route 65 in 1961 with its counterpart, U. S. Highway 31, in 1960 between Montgomery, Birmingham and Cullman. There were 44 accidents on Interstate Route 65 in 1961 in contrast to 173

accidents on parallel U. S. 31 in 1960, before the limited access route was open to traffic. Fatalities, as noted before, dropped from 8 to 1; and property damage decreased from \$96,000 to \$21,000.

Since the Interstate program began in 1956, contracts have been let in the total amount of \$150 million. The present yearly allocation to Alabama of federal funds for interstate is \$54 million. Yearly allotments will increase during the next several years to \$62 million. Nationally and within Alabama we can justify such vast road building expenditures in terms of savings to the highway user—we are saving his time, his money, and his life.

Serious problems still remain as the highway program advances toward its goal of optimum benefits to the public in terms of convenience, economy, and safety. Highway planners must maintain appropriate balance in fitting each segment of farm-to-market roads, state and United States Highways, and interstate motorways into the nationwide network.

Highway location and design engineers must study the whole complex field of urban-area planning and development in order to meet the pressing need for improved routes through large cities. Many other challenges will have to be met as rapidly increasing traffic volumes require removal of inadequacies in all highway systems.

Because of the remarkable progress already made in highway improvement, however, today's highway user can look forward with confidence to steadily increasing benefits as engineers and road builders match past accomplishments in the planning and building yet to be done.

Now, if you will, let's consider together the financial needs of the Highway Department—and the reasons why you have been called into this extraordinary session.

During the next four years, according to our fiscal advisors, we will have in excess of \$397 million in federal funds available to Alabama, provided we are able to match it with approximately \$90 million state monies.

And, let me say right here—I refer to these as federal funds because that is a common, understandable phrase—but they are our funds—your tax money and my tax money has been paid into the federal treasury so really they are **our** funds, although for purposes of reference, I shall refer to them as federal funds.

Thus, if we are able to provide the necessary matching funds, we will have more than \$487 million to spend on federal aid projects in this Administration.

But, this is our problem. We simply cannot match this money from our anticipated revenues. Neither do we have the necessary funds to aid our cities in their street and municipal connecting link programs nor do we have the money to participate in adequate programs for our county road systems.

We are able to provide approximately \$28-million of this matching fund from current revenues.

This, as a quick addition and subtraction indicates we are short \$62-million from the approximately \$90-million needed to match all federal monies available. This was reflected in the interim Study Committee report which I quoted earlier.

So, it is readily seen, if we are to take advantage of federal aid available to us, if we are to cooperate and help our towns and cities in their street programs, and if we are to continue a realistic county road program, then we must pass the \$100-million Road Bond issue the Administration offers you today.

This bond proposal has been examined by the interim Legislative Committee, by the proper State authorities, by one of the leading bond counsel of the South and others closely associated with the bonding and investment business.

Each of these have examined the proposal and have expressed themselves as being of the opinion that there is no problem to be foreseen in connection with this financing proposal.

Let me add, and this is important, this Administration is going to maintain all our existing highways and roads. Maintenance is important to an efficient, economical operation of a successful highway department. We are not going to neglect the highways our tax dollars have built.

This is the Wallace Administration Highway Program. I am behind it 100 per cent because I believe it will enable us to build and maintain the highway system so badly needed for our citizens.

I trust you will pass this without amendment.

I thank you.

ALABAMA LAWS
and Joint Resolutions
FIRST SPECIAL SESSION, 1963

Act No. 1

S. J. R. 1—McDow

SENATE JOINT RESOLUTION

WHEREAS, the legislature has noted the recent retirement of Mr. A. A. Lauderdale from the office of county agent of Shelby County on March 1, 1963, after almost 40 years continuous service, beginning in January of 1924, which is a unique record of public service among the state's outstanding county agents; and

WHEREAS, Mr. Lauderdale's broad personal knowledge of farmers and farming, stemming from a rural background, experience, and complete dedication to their interest, was marked by great success in translating extension service research into practical benefits to farmers of Shelby County thus contributing immeasurably to the welfare of the farmers and to the agricultural economy of the county; and since he has left an indelible imprint upon the hearts and minds of Shelby County boys and girls as a result of close personal interest, enthusiastic support, and leadership in the establishment and promotion of Four H Club activities in the county; and since in these and countless other ways Mr. Lauderdale used the office of county agent and his fine leadership in the cause of the betterment of rural homes, schools, churches and communities; and since in the process of these endeavors he has won the friendship, respect and admiration of all the people of Shelby County, and has evoked in this legislature a keen sense of appreciation of his splendid accomplishments;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE AND SENATE CONCURRING, That we commend and salute Mr. Lauderdale for his long and illustrious career as county agent of Shelby County, and extend to him our warm best wishes for a long life, rich rewards, and much pleasure in pursuit of his chosen avocation of dairying and fishing.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. A. A. Lauderdale, and to the director of the Extension Service, Auburn, Alabama.

Approved March 15, 1963.
Time: 12:58 P. M.

Act No. 2

H. J. R. 3—Fite

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 12:30 o'clock today for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, that a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved March 15, 1963.

Time: 12:59 P. M.

Act No. 3

H. J. R. 4—Fite

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the printed Journals and Acts of the Organizational Session, this Special Session and any other Special Session of the Legislature of 1963 be bound respectively with the printed Journals and Acts of the regular session which commences in May of 1963.

Approved March 15, 1963.

Time: 1:00 P. M.

Act No. 4

H. J. R. 5—Brown (Jefferson), Hawkins,
Vacca, Bailes, Perry, Collins,
Etheredge, Meeks, Bowers, B.
Betha, M. Betha, Gilmore,
Locke, Morrow, Rast, Sessions

HOUSE JOINT RESOLUTION

WHEREAS, a devastating and destructive tornado struck the heart of the City of Bessemer and surrounding residential areas on the 5th day of March, 1963; and,

WHEREAS, the tornado struck with such sudden and destructive force as to cause the complete demolition of dozens of homes and damaged both public and private property to the extent of millions of dollars; and,

WHEREAS, many people were left homeless and destitute as the direct result of this tragic occurrence; and,

WHEREAS, through the prompt, considerate, and effective efforts of the Honorable Jess Lanier, Mayor of the City of Bessemer, Honorable George C. Wallace, Governor of Alabama, the Honorable Lister Hill and the Honorable John Sparkman, United States Senators from Alabama, and the Honorable George Huddleston, United States Representative, Jefferson County has been declared a disaster area and the citizens of Bessemer, Homewood and Mountain Brook will have available federal aid necessary for the repair and replacement of such damaged and lost property; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we warmly commend and extend our sincere appreciation to the distinguished public servants above named for this display of their deep and abiding concern for the public welfare.

Be It Further Resolved, That the Clerk of the House transmit this resolution to Mayor Lanier, Governor Wallace, Senator Hill, Senator Sparkman, and Representative Huddleston.

Approved March 15, 1963.

Time: 1:01 P. M.

Act No. 5

H. J. R. 6—Vacca, Fite, Goodwyn, Steagall,
Callahan, Martin, Perry

HOUSE JOINT RESOLUTION

WHEREAS, The Honorable Jabe W. Brassell, a prominent attorney and judge of Russell County passed away on Saturday, April 21, 1962; and

WHEREAS, Judge Brassell had a long and distinguished career as a public servant, having served as county judge, an assistant attorney general of the State and as representative from Russell County in the Legislature; and

WHEREAS, the members of the Legislature wish to honor the memory of this outstanding public servant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members deeply mourn the passing of The Honorable Jabe Brassell and extend their heartfelt sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Clerk of the House to the family of Mr. Brassell.

Approved March 15, 1963.

Time: 1:02 P. M.

Act No. 6

S. J. R. 3—Evans, Cooper, Hawkins,
Allen, and Tyson

SENATE JOINT RESOLUTION

WHEREAS, the Capital Gains Tax Treatment of timber under the internal revenue code has been the major factor responsible for the vast progress of Alabama in forest management and the growth of forest resources during the past half century; and,

WHEREAS, the substantial elimination of Capital Gains Treatment for the owners of forest lands would constitute the most severe setback in this generation to the continued growth of the forest products industry; and,

WHEREAS, the jobs of thousands of employees and many hundreds of communities are affected by the forest industries of Alabama and are jeopardized by the proposed elimination of Capital Gains Treatment of timber.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA, the House of Representatives concurring, that the Legislature of the State of Alabama petition the Congress of the United States to defeat and reject the extreme and harmful changes in timber taxation proposed by Secretary of the Treasury Dillon to the Ways and Means Committee of the Federal House of Representatives on February 6, 1963; and,

FURTHER, that the United States Senators and Representatives in Congress from the State of Alabama be requested to use their full power and influence in defeating the proposed change; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the clerks of both houses of the Federal Congress and to each of the United States Senators and Representatives in Congress from the State of Alabama.

Approved March 15, 1963.

Time: 12:54 P. M.

Act No. 7

S. J. R. 4—Reynolds, Hawkins, Adams,
McCain, Hornsby, Bentley
and Smith

SENATE JOINT RESOLUTION

WHEREAS, J. K. Hodnette, executive vice-president and member of the board of directors of Westinghouse Electric Corporation, a native son of Notasulga, Macon County, Alabama, and graduate of the public schools of that town and of Auburn University in 1922, has made a distinguished record of meritorious

achievement in the field of science, having received the "Order of Merit" in 1938, representing the highest award for achievement which Westinghouse confers upon its employees; the "Modern Pioneer Award" of the National Association of Manufacturers, awarded on occasion of the observance of the centennial anniversary of the founding of the U. S. Patent System; the "Edison Medal Award," of the American Institute of Electrical Engineers; and the degree, Doctor of Science, Honoris Causa, by Auburn University in 1958; and

WHEREAS, Mr. Hodnette may be remembered best for his invaluable contributions in the field of power transmission and particularly the development of a distribution transformer completely protected against lightning attack and electrical overload which development has been an important factor in the continuous technological adaptability of electric power to new and additional industrial and domestic uses and thus has contributed greatly to the economic development and progress of this nation; yet, these contributions in no sense reflect the full measure of his achievements as is attested by his present duties and responsibilities with Westinghouse in which, as vice-president, he acts as deputy to the president in supervising the operation of the company's divisions concerned with development of air conditioning, atomic power, defense and space projects, construction, consumer, electric utility, marine electric components, and specialty and industrial products, and

WHEREAS, the achievements of native sons of Alabama and the national recognition and honors accorded them for their significant contributions to this country's strength and greatness reflect favorably upon our state and our educational institutions, and are matters in which our people and this legislature take great pride; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we commend to the consideration of all our youth the splendid example of the life and accomplishments of Mr. Hodnette, and we extend to Mr. Hodnette an expression of our sense of pride in his achievements and his place in the list of illustrious native sons whose distinctive contributions in the area of their respective great talents have so vastly enriched this great nation.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Mr. John K. Hodnette, to the president of Westinghouse Electric Corporation, to the president of the Alabama State Chamber of Commerce, and to the president and trustees of Auburn University.

Approved March 15, 1963.
Time: 12:55 P. M.

Act No. 8

H. J. R. 14—Thomas

HOUSE JOINT RESOLUTION

WHEREAS, the beautiful, gracious, and talented Miss Eleanor Warr of Barbour County was recently crowned Alabama's Junior Miss for 1963; and

WHEREAS, Miss Warr is not only a lovely and charming young lady, but is also an outstanding student at Clayton High School and is active in extra-curricular activities for her school, church and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take pride in the accomplishments of Miss Warr and extend to her best wishes in the America Junior Miss Contest to be held in Mobile March 9-16, next.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Miss Warr.

Approved March 15, 1963.

Time: 12:56 P. M.

Act No. 9

H. J. R. 15—Drake

HOUSE JOINT RESOLUTION

WHEREAS, several tornadoes and torrential rain storms unleashed their mighty fury on North Alabama yesterday and last night, bringing death, bodily injury, property damage and flash flooding to several parts of this State; and

WHEREAS, Cullman County and particularly the communities of Good Hope and Berlin in this county, caught the brunt of these vicious tornadoes, for here the lives of Mrs. Minnie Dunn and Mrs. Geraldine Bowen were snuffed out, several of their neighbors and friends severely injured, and their homes and other buildings destroyed by the fierce storm; and

WHEREAS, Governor Wallace and many other state and local officials immediately mobilized their forces to rescue the injured, marooned and homeless, to protect the lives and property of the survivors and to restore order from the chaotic conditions existing in the wake of this disaster, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, the Legislature laments the tragic and untimely deaths of Mrs. Minnie Dunn and Mrs. Geraldine Bowen and extends sincere sympathy to the surviving members of their families.

BE IT FURTHER RESOLVED that the Legislature notes with

pride the promptness and efficiency shown by his excellency, Governor George C. Wallace, the Honorable Albert J. Lingo, Director of Public Safety, the Honorable Frank Manderson, Director of Civil Defense, and the Honorable W. C. Waldrop, Sheriff of Cullman County, in recognizing the need for relief in this stricken area and mobilizing to meet it.

BE IT FURTHER RESOLVED that each of the above-named officers and each deputy, assistant or other employee of the departments or agencies under their supervision, the fire and police departments of the City of Cullman, the officers and employees of public utilities in the area and all other law enforcement agencies, who responded so valiantly to the needs of this area are hereby commended for the excellent manner in which they have cooperated toward the end of alleviating human misery and suffering and restricting property damage and losses in Cullman County.

Approved March 15, 1963.
Time: 12:57 P. M.

Act No. 10

H. J. R. 9—Reynolds, Pennington
Baker (Madison)

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable Carl A. Morring, Jr., of Huntsville, a former member of this body, has been elected President of the National Association for Crippled Children and Adults, an organization composed of 350,000 men and women from the fifty states who have volunteered their services to aid the handicapped; and

WHEREAS, Mr. Morring has been active on the state and national level of this organization for more than twelve years, having served as president of the Alabama organization, and as trustee and member of the executive committee of the national organization, and having been recognized at the recent convention of the national association for his work to expand and improve the program of services to the crippled children in Alabama and the nation; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. Morring on his election to the presidency of the National Society for Crippled Children and Adults and commend him for his diligence in improving the welfare of our less fortunate citizens.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mr. Morring at Huntsville.

Approved March 15, 1963.
Time: 12:50 P. M.

Act No. 11 H. J. R. 10—Rogers, McDermott, Hogan, Engel,
Fields, Downing, Edington

HOUSE JOINT RESOLUTION

WHEREAS, Dauphin Island, Alabama, has in recent years become one of the State's most enjoyable and beautiful recreational areas, and

WHEREAS, Dauphin Island has contributed materially to the growth of Mobile County and the State of Alabama through its astonishing economic development, and

WHEREAS, Title 55, Section 4, Code of Alabama of 1940 provides in part that the Great Seal of the State of Alabama shall include "a map of the State"; and

WHEREAS, Dauphin Island is omitted from the present Great Seal and the numerous reproductions thereof, and

WHEREAS, the development and growth of Dauphin Island are such that it is proper that Dauphin Island be recognized by being shown on the Great Seal of the State of Alabama; now, therefore,

BE IT RESOLVED by the Legislature of the State of Alabama, both Houses thereof concurring, that the Secretary of State be instructed to have the device by which the Great Seal of the State is affixed so re-designed and re-engraved as to exhibit thereon the major off-shore islands of the State of Alabama, including therein Dauphin Island, Alabama; and,

BE IT FURTHER RESOLVED that all those individuals and departments of the State of Alabama who make use of reproductions of the Great Seal of Alabama upon their stationery, publications and in other means, be instructed to so re-design said reproductions of said Seal so as to cause the major off-shore islands of the State of Alabama to be shown thereon;

BE IT FURTHER RESOLVED that copy of this resolution be furnished the Secretary of State and the Dauphin Island Business Men's Association.

Approved March 15, 1963.

Time: 12:51 P. M.

Act No. 12

H. J. R. 11—Hannah

HOUSE JOINT RESOLUTION

WHEREAS, the basketball team of Athens College is participating in tournament play in the NAIA Tournament at Kansas City, Missouri, and

WHEREAS, they won the first round of play on March 11, 1963, and

WHEREAS, this is the first time a team from the State of Alabama has won its first round of play in this tournament; and

WHEREAS, they conducted themselves in a manner to bring credit to the State of Alabama; and

WHEREAS, the people of the State of Alabama are justly proud of this accomplishment;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, That recognition be given to this team, their coach Oba Belcher and Athens College by publicly commending them on their superior showing in this tournament.

BE IT FURTHER RESOLVED That a copy of this Resolution be forwarded to Coach Oba Belcher, Dr. Virgil McCain, president of Athens College, and to the Limestone County Democrat.

This the 12th day of March 1963.

Approved March 15, 1963.

Time: 12:52 P. M.

Act No. 13

H. J. R. 12—Engel, Hogan, Rogers, Fields,
McDermott, Downing, Edington

HOUSE JOINT RESOLUTION

WHEREAS, Mr. Charles O. Bingham, on January 30, 1963, having faithfully served on earth the purpose of his creation, was taken by God to share in the reward of the just; and

WHEREAS, during his life he had devoted his energies to the unselfish service of his fellow man; and

WHEREAS, Charles O. Bingham gave unstintingly of his time and efforts to the people of his community in his services as President of Mobile Kiwanis Club, District Governor of Kiwanis International, Director of The Mobile Area Chamber of Commerce, Chairman of American Red Cross Blood Drive for Mobile County, Director of American Red Cross for Mobile County, Commander of Mobile Yacht Club, Director of Mobile County Wildlife and Conservation Association, and at the time of his death, as Director of Associated Industries of Alabama, Director of Mobile County Mental Health Association and as a Second Vice President of the State Mental Health Association; and

WHEREAS, for many years and until the time of his death he was an official of International Paper Company, and in such capacity, was present at many sessions of the legislature where he was endeared by all those who knew him; and

WHEREAS, Charles O. Bingham was held in the highest esteem by the people of this State who knew him as a man of unimpeachable character and high moral standards; and

WHEREAS, his passing is deeply mourned by the members of the Legislature, now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the members of the Legislature do hereby express their deep regret at the passing of Charles O. Bingham, and extend their sincere sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED, that a page in the Journal of this House be dedicated to his memory in grateful appreciation of his services to his community and to his fellow man.

Approved March 15, 1963.

Time: 12:53 P. M.

Act No. 14

S. J. R. 6—Roberts

SENATE JOINT RESOLUTION

WHEREAS, many members of the legislature have been saddened by news of the tragic accident resulting in the death on February 14, 1963 of Mrs. Lillian Record, the wife of the Honorable James R. Record, a former member of the Alabama Senate and presently chairman of the Madison County governing body; and since the bereavement of the family of Senator Record in their great loss is a matter felt keenly by his many friends in this legislature,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we extend our condolences to the family of Senator and Mrs. Record and particularly to their two children, and that a copy of this resolution be sent members of the immediate family.

Approved March 18, 1963.

Time: 10:05 A. M.

Act No. 15

S. J. R. 8—Hawkins

SENATE JOINT RESOLUTION

WHEREAS, J. R. Davis of Gadsden, Alabama, Professor of Mathematics at Gadsden High School since 1924 has been selected the 1963 "Favorite Teacher" from a list of 100 distinguished Alabama nominees for that honor and the first man ever to be chosen for the award in the 14 year history of the contest; and

WHEREAS, the choice of Mr. Davis for this honor has revealed to the State a man combining in one the role of a highly competent and dedicated teacher, a tutor, counselor, disciplinarian, trusted friend and confidant of his students, all in keeping with the highest traditions of the teaching profession, and also a remarkably youthful and bouyant spirit, a man of wide interests and versatile talents which has overflowed the classroom into all phases of school life, and into the community itself, finding expression in many offices and duties in church, civic, patriotic organizations, dramatic and athletic activities, and particularly in Boy Scout and Little League baseball and other youth work, a model citizen, a much loved husband, father and grandfather, and a dedicated Christian Gentleman, and

WHEREAS, Mr. Davis' influence for good in the lives of countless hundreds of boys and girls is yet incapable of full measurement it is not without visible manifestation today in the large number of doctors, lawyers, scientists, and teachers who have sat at his feet, not the least of those distinguished former students, being our own illustrious Lieutenant Governor Jim Allen; all of which has had the effect of awakening in us a profound sense of our great debt of gratitude to a host of great and good men and women of this state whom we call teacher; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING THEREIN, That we congratulate Mr. Davis on the recognition so fittingly accorded him and express to him our feeling of sincere appreciation for his selfless dedication and devotion to the cause of our youth, and through him extend our thanks to all of the teachers of this state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Davis, to the Principal of the Gadsden High School, to the City Superintendent of Education of Gadsden, to the State Superintendent of Education, and to the Birmingham Post Herald, sponsor of Teacher of the Year Awards.

Approved March 18, 1963.
Time: 10:06 A. M.

Act No. 16

H. 2—Paulk

AN ACT

To fix the compensation of deputy solicitors of counties having populations of not less than 12,500 nor more than 13,500 and providing for payment thereof from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The deputy solicitor of any county having a population of not less than 12,500 nor more than 13,500, according to the most recent federal decennial census, shall be entitled to receive as compensation for the performance of his duties an annual salary of \$2,400.00, which shall be paid from the general funds of the county in equal monthly installments on requisition by the deputy solicitor.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

Approved March 18, 1963.

Time: 10:13 A. M.

Act No. 17

H. J. R. 16—Merrill

HOUSE JOINT RESOLUTION

WHEREAS, Mrs. Carrie P. Rowan, who was for a period of thirty-five years a dormitory director at Jacksonville State College, has recently retired; and

WHEREAS, Mrs. Rowan's warm personality, thoughtfulness, patience, tolerance and fairness endeared her to thousands of young women who lived during this period in the dormitory over which she presided; and

WHEREAS, Mrs. Rowan rendered numerous services to Jacksonville State College above and beyond the duties of a dormitory director; and

WHEREAS, in the opinion of many alumnae of Jacksonville State College, who knew, loved and respected Mrs. Rowan, an appropriate tribute to her and her years of faithful and devoted service to the college would be the naming of a dormitory for her; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, THE SENATE CONCUR-

RING: That the dormitory now under construction on the campus of Jacksonville State College be named "Carrie P. Rowan Hall," and that such name be appropriately inscribed on or affixed to the building in such manner as the governing authorities of the college may direct.

Approved March 18, 1963.

Time: 10:07 A. M.

Act No. 18

H. J. R. 17—Cooper

HOUSE JOINT RESOLUTION

WHEREAS, Mr. and Mrs. John C. Carter, Jr., Marjory, John III, Mary Elizabeth, Eugene, and Emmie, of Milstead, Macon County, have been selected the "most outstanding" family in the State of Alabama from a truly imposing group of outstanding Alabama families nominated for this honor; and

WHEREAS, in the scale of human endeavor no achievement can rank higher than that of the creation of a family and the establishment of a home upon the firm foundation of a faith in God and one guided by the principles of self reliance, industry, integrity, and service to fellow man; and

WHEREAS, all Alabama has been inspired by the family life and philosophy of the Carter family and many will be stimulated to greater personal effort by the example of their contributions in time and talents to their church, their schools, and to all community endeavor; and because the Carter family so splendidly embodies the traditional virtues and ideals cherished by our forefathers and which today, in practice, reflects the inherent nobility of Alabama families from whatever walk or station in life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE AND SENATE CONCURRING THEREIN, That we extend heartiest congratulations to the Carter family on the honor thus accorded them and acknowledge our warm feeling of pride in the credit they reflect upon themselves, their community, and Alabama.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mr. and Mrs. John C. Carter, and to the Birmingham News and Auburn University Extension Service, co-sponsors of the selection of Alabama's most outstanding family.

Approved March 18, 1963.

Time: 10:07 A. M.

Act No. 19 H. J. R. 19—Pierce, Goodwyn, Goldthwaite, Little

HOUSE JOINT RESOLUTION

WHEREAS, the "Poets" of Sidney Lanier High School of Montgomery won the state Class AA basketball championship on Saturday, March 9, 1963, by defeating the formidable "Black Bears" of Tuscaloosa High School, in the finals of the state basketball tournament; and since this is the second consecutive year that the "Poets" have been crowned state champions, this victory reflects not only the skill and competency of the individual players but also the existence of a sterling team spirit and the presence of an intangible quality of champions that is the will to win, a quality of general excellence moulded under the able coaching and leadership of Coach Bill Joiner and Assistant Coach George Jones, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we extend our sincere congratulations to the individual members of the Poet basketball squad and to Coach Joiner and Coach Jones on their splendid competitive achievement, and wish them much success in defending their crown in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Sidney Lanier High School basketball squad, to Coach Joiner and Coach Jones and to the principal of Sidney Lanier High School.

Approved March 18, 1963.

Time: 10:08 A. M.

Act No. 20

H. J. R. 20—Turnham

HOUSE JOINT RESOLUTION

WHEREAS Auburn University's excellent basketball team has concluded another successful season with a brilliant overall record, the best in the South, under the handicap caused by the illness and disability of its fine coach, Joel Eaves, who, regrettably is still ailing; the splendid performance of Assistant Coach Bill Lynn contributed greatly to Auburn's outstanding record; now therefore,

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That we congratulate the Auburn basketball squad on its performance this season, extend best wishes to Coach Eaves for a complete and speedy recovery, and warmly commend Coach Lynn for a job well done.

RESOLVED FURTHER, that copies of this resolution be sent

to Messrs. Eaves and Lynn, and also to the president and to the director of athletics at Auburn University.

Approved March 18, 1963.
Time: 10:09 A. M.

Act No. 21

H. J. R. 21—Turnham

HOUSE JOINT RESOLUTION

WHEREAS the Opelika High Bulldogs, a grand high school basketball team, performed ably and well under the splendid leadership of a fine coach, Mr. Bill Jones, by winning fourth place in the Class Double A State Basketball Tournament recently concluded, be it

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that we compliment the Bulldogs on their splendid performance at the tournament and warmly commend their mentor, Mr. Jones.

RESOLVED FURTHER, that copies of this resolution be sent to Mr. Jones and to the principal of Opelika High School.

Approved March 18, 1963.
Time: 10:10 A. M.

Act No. 22

H. J. R. 23—Pierce, Little, Goldthwaite, Goodwyn

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING that House Joint Resolution 19, which has been adopted by both houses be designated and known as the "Pierce, Goodwyn, Goldthwaite, Little and Robison Resolution."

Approved March 18, 1963.
Time: 10:11 A. M.

Act No. 23

H. J. R. 24—Jones (Covington)

HOUSE JOINT RESOLUTION

WHEREAS, The Honorable Clyde Love, Attorney of Florala, Alabama, and former member of the Alabama House of Representatives from Covington County suffered serious and painful bullet wounds on February 20, 1963, when he attempted to prevent further violence and save the life of a young mother with an infant child in her arms who had already been shot in the Covington County Courthouse; and

WHEREAS, the quick and selfless act of Clyde Love in which he risked his own life to protect the lives of others so endangered

at the time is attributed with saving several or more persons from injury or possible death, which fact has won national recognition and resulted in his nomination by The Andalusia Star-News, The Florala News, and The Opp News, to receive a Carnegie Award for Heroism; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That we extend to Clyde Love our sincere best wishes for full and rapid recovery and commend his heroic act for favorable consideration to the Carnegie Hero Fund Commission.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to The Honorable Clyde Love, The Andalusia-Star News, The Florala News and The Opp News, and to the Carnegie Hero Fund Commission, 2307 Oliver Building, Pittsburg, Pennsylvania.

Approved March 18, 1963.

Time: 10:12 A. M.

Act No. 24

H. 4—Glass

AN ACT

To permit any bank located in Butler County, Alabama, to establish in the municipal limits of McKenzie, Alabama, one branch bank, branch agency, additional office, or branch place of business in addition to all other branches, agencies, offices or places of business authorized by law, subject to the approval of the state superintendent of banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank located in Butler County, Alabama, may establish, maintain, and operate in or at McKenzie, Alabama, within the municipal limits thereof, in said county a branch bank, branch agency, additional office, or branch place of business, provided such bank, before the establishment of the branch, agency, office, or place of business authorized by this Act shall first secure the written consent thereto of the superintendent of banks of the State of Alabama.

Section 2. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid or inoperative, the remainder of the Act and the application thereof to any other person or circumstance shall not be affected thereby.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 19, 1963.

Time: 9:04 A. M.

Act No. 25 H. 25—Fite, Brewer, Cantrell, Meade, Goodwyn, Sullivan, Thomas, Vacca, Beville, Burns, Hester, Branyon, Moore, Edwards (Escambia), Wood, Hawkins, Bethea (B), Scurlock, Collins, Powell, Cooper, Daniel, Heflin, Martin, Mashburn, Merrill, Brown (Jefferson), Etheredge, Gilmore, Bowers, Sessions, Rast, Bailes, Meeks, Glass, Locke, Nettles, Drake, Harper, Edwards (Lowndes), Paulk, Turner (Crenshaw), Grouby, Steagall, Posey, Campbell (Jackson), Bassett, Brown (Tuscaloosa), Snell, Teel, Pierce, Baker (DeKalb), Reynolds, Crawford, Pennington, Camp, Cornett, Carr, Hankins, Avery, Cates, Cook, Ingram, Casey, Burnham, McCorquodale, Bolton, Holladay, Hannah, Turnham, Stembridge, Faulk, Engel, Davis, McDermott, Hogan, Baker (Madison), Downing, Doggett, Young, Slate, Owens, Nabors, Salter

AN ACT

To amend Section 6 of Act No. 43 adopted at the First Extraordinary Session of 1955 of the Legislature of Alabama so as to provide that the corporate existence of the corporation organized under the provisions of that act shall continue until dissolved in accordance with the provisions of that act when no bonds of the corporation are outstanding.

Be It Enacted by the Legislature of Alabama:

(1) Section 6 of Act No. 43 adopted at the First Extraordinary Session of 1955 of the Legislature of Alabama is hereby amended so that the said section shall read in its entirety as follows:

“Section 6. Corporate Powers. The corporation shall have the following powers: (A) to have succession by its corporate name until dissolved pursuant to the provisions of Section 11 of this Act at a time when there are no bonds of the corporation outstanding; (B) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (C) to have and to use a corporate seal and to alter the same at pleasure; (D) to construct, reconstruct, and relocate or to cause to be constructed, reconstructed, and relocated, public roads and bridges, including work incidental or related thereto, in the State of Alabama; (E) to acquire by purchase, gift, or condemnation, or any other lawful means and to convey or cause to be conveyed to the State of Alabama any real, personal or mixed property necessary or convenient in connection with the construction of public roads and bridges and approaches thereto in the State of Alabama, or the reconstruction

or relocation of public roads and bridges in said state; (F) to exercise the right of eminent domain as freely and completely as, and in the same manner that, the State of Alabama is empowered to exercise such right; (G) to borrow money for its corporate purposes and in evidence of such borrowing to sell and issue its bonds and to refund any thereof by the issuance of refunding bonds (any such bonds, including refunding bonds, being herein collectively referred to as 'bonds'); (H) as security for payment of the principal of and the interest on its bonds, to pledge the proceeds of the appropriations and pledges herein provided for; and (I) to appoint and employ such officers, attorneys, and agents as the business of the corporation may require."

(2) This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved March 20, 1963.

Time: 9:26 A. M.

Act No. 26 H. 26—Fite, Brewer, Cantrell, Meade, Edwards (Escambia), Hawkins, Thomas, Goodwyn, Sullivan, Vacca, Bevell, Pennington, Hester, Branyon, Moore, Wood, Bethea (B), Scurlock, Bailes, Etheredge, Meeks, Collins, Powell, Cooper, Daniel, Heflin, Martin, Mashburn, Merrill, Brown (Jefferson), Gilmore, Bowers, Sessions, Rast, Glass, Locke, Nettles, Baker (Madison), Drake, Harper, Edwards (Lowndes), Paulk, Turner (Crenshaw), Grouby, Steagall, Posey, Bassett, Brown (Tuscaloosa), Snell, Pierce, Teel, Reynolds, Crawford, Campbell (Jackson), Camp, Cornett, Carr, Hankins, Avery, Cates, Cook, Ingram, Casey, Stembridge, Burnham, Baker (DeKalb), McCorquodale, Bolton, Holladay, Hannah, Turnham, Faulk, Engel, McDermott, Hogan, Downing, Doggett, Young, Slate, Nabors, Owens, Burns, Davis, Salter

AN ACT

To authorize Alabama Highway Authority to sell and issue from time to time not exceeding \$100,000,000 principal amount of bonds in addition to those heretofore authorized to be issued by said Authority; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of

the revenues of the said Authority; to authorize said Authority to pledge for payment of the principal of and interest on said bonds the funds that are appropriated and pledged in this act for that purpose; to provide that said bonds shall constitute negotiable securities even though payable from a limited source; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds and that the limitation on the amount of the bonds issued by said Authority under this act shall not apply to refunding bonds issued under this act; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of trust funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to authorize the said Authority to pledge for payment of the said principal and interest the moneys herein appropriated and pledged for that purpose; to direct the State Treasurer to pay the principal of and interest on said bonds out of the moneys so appropriated and pledged; to provide that any portion of this act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Authorization to Issue Additional Bonds. In addition to all powers heretofore conferred on it by Act No. 43 adopted at the First Special Session of 1955 of the Legislature of Alabama ("the 1955 act") and Act No. 45 adopted at the First Special Session of 1959 of the Legislature of Alabama ("the 1959 act"), Alabama Highway Authority ("the corporation"), which was heretofore incorporated pursuant to the provisions of the 1955 act, shall have the power, and is hereby authorized and empowered, to sell and issue additional bonds not exceeding \$100,000,000 in aggregate principal amount, and to refund all or any thereof by the issuance of refunding bonds (all such bonds, including refunding bonds, being herein collectively referred to as "the bonds").

Section 2. Details Respecting the Bonds. The bonds shall be in such forms and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, and may contain other provisions not inconsistent with this act, all as may be provided in the resolution or resolutions of the board of directors of the corporation wherein the bonds are authorized to be issued; provided, that none of the bonds shall have a specified maturity date later than twenty years after its date. The corporation may at its election retain in the resolution or resolutions under which any of the bonds are issued an option to redeem all or any thereof and at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in said resolution or resolutions and as may be briefly recited in the face of the bonds with respect to which such option of redemption is retained. With respect to those of the bonds having stated maturities more than ten years after the date thereof, the corporation shall retain in the resolution or resolutions authoriz-

ing their issuance an option to redeem, at the expiration of the tenth year following the date thereof and on any interest payment date thereafter, all or any of the bonds having stated maturities after the expiration of the tenth year following their date, at such redemption price or prices and after such redemption notice or notices and on such terms and conditions as may be set forth in said resolution or resolutions and briefly recited in the face of the bonds.

Section 3. Execution of the Bonds. The bonds shall be signed by the president of the corporation and attested by its secretary, and all interest coupons applicable to the bonds shall be signed by the president of the corporation; provided, that a facsimile of the signature of one, but not of both, of said officers may be printed or otherwise reproduced on any of the bonds in lieu of their being manually signed, and a facsimile of the president's signature may be printed or otherwise reproduced on any of the interest coupons in lieu of their being manually signed. The seal of the corporation shall be impressed on the bonds, provided that a facsimile of said seal may be printed or otherwise reproduced on any of the bonds in lieu of being manually impressed thereon.

Section 4. Sale of the Bonds. Any of the bonds may be sold at any time and from time to time as said board of directors may deem advantageous; provided, that none of the bonds shall be issued in any instance where the aggregate of the principal thereof and the interest thereon maturing during any fiscal year of the State of Alabama (herein called "the state"), when added to the total principal and interest maturing during the same fiscal year of the state on all bonds of the corporation then outstanding that were issued under any of the 1955 act, the 1959 act, and this act, exceeds fifty per centum (50%) of the sum of those portions of the state gasoline excise tax pledged and appropriated in Section 9 of this act which were collected by the state during the fiscal year next preceding the fiscal year during which the bonds proposed to be issued shall be issued, as said sum shall be certified by the Commissioner of Revenue of Alabama. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the state which is customarily published not less often than six days during each calendar week, each of which notices must be published at least one time not less than ten days prior

to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this act. Approval by the Governor of Alabama of the terms and conditions under which any of the bonds may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the respective meetings of the board of directors at which the bonds proposed to be issued are authorized, and shall be signed by the Governor. Such approval by the Governor may be shown on any of the bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him. Neither a public hearing nor consent by the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 5. Bonds to be Limited Obligations; Pledge Therefor. The bonds shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in Section 9 of this act. As security for the payment of the principal of and interest on the bonds issued by it under this act, the corporation is hereby authorized and empowered to pledge for payment of said principal and interest the funds that are appropriated and pledged in Section 9 of this act for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolutions containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this act shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of the state. The bonds shall be construed to be negotiable instruments although payable solely from a specified source as herein provided.

Section 6. Bonds and Income Thereon Exempt from Taxation; May be Used to Secure Deposits and for Investment of Fiduciary Funds. The bonds and the income therefrom shall be exempt from all taxation in the state. Any of the bonds may be used by the holder thereof as security for the deposit of any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in any of the bonds.

Section 7. Refunding Bonds. Subject to the provisions contained in this act, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation issued under this act and then outstanding, together with any premium that may be necessary to be paid in order to redeem or retire the bonds proposed to be refunded. The limitation provided for in Section 1 of this act on the amount of bonds authorized in this act shall not apply to the said refunding bonds.

Section 8. Proceeds of Bonds. The corporation shall pay out of the proceeds from the sale of any of the bonds all expenses, including fees of agents and attorneys and other charges, which said board of directors may deem necessary or advantageous in connection with the issuance of the bonds. The proceeds of the bonds, other than refunding bonds, remaining after paying the expenses of their issuance shall be turned into the state treasury, shall be carried in the public road and bridge fund, and shall be subject to be drawn on by the corporation, upon the approval of the State Highway Department and the Governor, but only for the purpose of paying the cost of constructing and reconstructing public roads and bridges or work incidental or related thereto in the state, including the acquisition of property necessary for such construction and incidental and related work; provided, however, that if such action shall be necessary to comply with any federal legislation relating to federal aid in highway and bridge construction the corporation may authorize the State Highway Department to expend directly any portion of said proceeds for payment of the state's share of the cost of any such work. The proceeds from the sale of all refunding bonds issued by the corporation under this act remaining after paying the expenses of their issuance shall be turned into the state treasury and used only for the purpose of refunding the principal of bonds of the corporation theretofore issued under this act and then outstanding and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded. The provisions of the 1955 act with respect to highway and bridge construction, the letting and approval of contracts therefor, the supervision of construction work, the making of rules and regulations for protection of public ways and of the traveling public shall apply to the highways and bridges constructed and reconstructed with proceeds from the bonds; provided, however, that said provisions shall so apply only to the extent that they are not in conflict with any federal legislation, regulation, or requirement relating to federal aid in highway and bridge construction.

Section 9. Revenues of the Corporation. For the purpose of providing funds to enable the corporation to pay the principal of and interest on the bonds which may be issued by it under

the provisions of this act and to accomplish the purposes and objects of its creation, there hereby is irrevocably pledged to said purpose and appropriated so much as may be necessary for said purpose of the following: (A) the residue of the receipts collected by the state from the Gasoline Excise Tax originally levied by Act No. 5 adopted at the 1927 Session of the Legislature of Alabama and approved January 25, 1927 (being a portion of the tax levied in Section 647 of Title 51 of the Code of Alabama of 1940, as amended, and being that part of said tax referred to in subsection (a) of Section 656 of Title 51 of the Code of Alabama of 1940, as amended), after there shall have been taken therefrom the amount necessary for the purposes specified in clauses (1), (2) and (3) of subsection (a) of said Section 656, as amended; (B) the residue of the revenues collected by the state from that portion of the gasoline excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, that is referred to in subsection (b) of said Section 656, as amended, after there shall have been taken therefrom the amount necessary to pay the principal of and interest on bonds of the corporation heretofore issued under the 1955 act and the 1959 act, as said principal and interest shall respectively mature; and (C) the revenues collected by the state from that portion of the gasoline excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, that is referred to in subsection (c) of said Section 656, as amended, after there shall have been taken therefrom the amount necessary to pay the principal of and interest on bonds of the corporation heretofore issued under the 1959 act. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds. As security for the payment of the principal of and interest on the bonds issued under this act, the corporation is authorized to pledge the proceeds of the appropriation and pledge herein provided for.

Section 10. State Treasurer to Disburse Funds. Out of the revenues appropriated and pledged in Section 8 of this act, the State Treasurer is authorized and directed to pay the principal of and interest on the bonds at the respective maturities of said principal and interest, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 11. Severability Clause. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this act, which shall continue effective.

Section 12. Effective Date. This act shall become effective

upon its approval by the Governor or upon its otherwise becoming law.

Approved March 20, 1963.

Time: 9:25 A. M.

Act No. 27

H. 31—Bevill, Scurlock

AN ACT

Relating to the fourteenth judicial circuit; fixing the salaries of the official court reporters of such circuit and providing for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The official court reporters of the fourteenth judicial circuit of Alabama shall each receive a salary of six thousand dollars per annum, thirty-four hundred dollars of which shall be payable in monthly installments by the county composing the circuit on certificate issued by the judge of the court in favor of such reporter for the amount due by the county each month, and the remaining twenty-six hundred dollars shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund in the state treasury.

Section 2. Act No. 42, H. 63, Special Session 1962 (Acts 1962, p. 54) and all other laws or parts of laws, general, special, or local, which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.

Time: 10:07 A. M.

Act No. 28

H. J. R. 13—Rogers, Morrow, Perry, Goldthwaite,
Edington, Locke

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING THEREIN, That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

ARTICLE—

“SECTION 1. Upon demand of the legislatures of five states,

no two of which shall share any common boundary, made within two years after the rendition of any judgment of the Supreme Court relating to the rights reserved to the states or to the people by this Constitution, such judgment shall be reviewed by a Court composed of the chief justices of the highest courts of the several states to be known as the Court of the Union. The sole issue before the Court of the Union shall be whether the power or jurisdiction sought to be exercised on the part of the United States is a power granted to it under this Constitution.

"SECTION 2. Three-fourths of the justices of the Court of the Union shall constitute a quorum, but it shall require concurrence of a majority of the entire Court to reverse a decision of the Supreme Court. In event of incapacity of the chief justice of the highest court of any state to sit upon the Court of the Union, his place shall be filled by another justice of such state court selected by affirmative vote of a majority of its membership.

"SECTION 3. On the first Monday of the third calendar month following the ratification of this amendment, the chief justices of the highest courts of the several states shall convene at the national capital, at which time the Court of the Union shall be organized and shall adopt rules governing its procedure.

"SECTION 4. Decisions of the Court of the Union upon matters within its jurisdiction shall be final and shall not thereafter be overruled by any court and may be changed only by an amendment of this Constitution.

"SECTION 5. The Congress shall make provision for the housing of the Court of the Union and the expenses of its operation.

"SECTION 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission." Be it further

Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect; and, be it further

Resolved, That a copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

Approved March 18, 1963.
Time: 10:22 A. M.

Act No. 29 S. J. R. 9—Cooper, Evans, Brannan and Eddins

SENATE JOINT RESOLUTION

WHEREAS, it has been brought to the attention of this body, of certain unfair and inequitable tax policies of this government of the United States, applicable to American corporations doing business in Puerto Rico, and

WHEREAS, a corporation operating in Puerto Rico and selling their merchandise in the United States pays no import duty on such merchandise when it enters the United States, and

WHEREAS, such American corporations operating one or more subsidiaries in Puerto Rico can escape Federal corporate income tax liabilities, and

WHEREAS, it is well known that one of our nation's leading and most progressive manufacturers in the textile industry has all of its plants located in our great State of Alabama, creating jobs for over 4,000 native Alabamians, and paying Federal corporate income tax at a rate of 53% on its earnings, must compete with other firms operating subsidiaries in Puerto Rico which pay federal income taxes of record at a 26% rate, and

WHEREAS, over the past ten years the Commonwealth of Puerto Rico has attracted over 670 new industries, almost solely as a result of these unfair and unjust income tax advantages and with an accompanying loss of jobs to our native born countrymen, and

WHEREAS, we believe this trend, if it continues without an honest adjustment to equalize these taxes, both corporate income tax and import duties, will operate further to reduce the number of potential jobs throughout our United States, and

WHEREAS, such inconsistencies in our Federal tax structure creates a condition most unfavorable to the continued industrial development as well as continued prosperity of our great State of Alabama, so

BE IT RESOLVED, that the Senate of the Alabama Legislature, with full concurrence of the House of this same body, believes this condition jeopardizes not only our future industrial expansion, but also seriously impairs the future of our present industries if they are to survive, and that this condition is intolerable and not in keeping with the American Free Enterprise System;

BE IT FURTHER RESOLVED; that a copy of this resolution be forwarded without delay to the President of the United States; the Honorable Wilbur Mills, chairman of House Ways and Means Committee; and to each member of the delegation to the United

States Congress from the State of Alabama, with our respectful request for their support in whatever remedial action is necessary to preserve our American way of life and alleviate this situation with the least possible delay.

Approved March 18, 1963.

Time: 10:16 A. M.

Act No. 30

H. 1—Grouby

AN ACT

To alter and rearrange the boundary lines and corporate limits of the town of Autaugaville in Autauga County, annexing to such town some territory not heretofore within the corporate limits thereof and excluding from the town some territory heretofore within the corporate limits.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the town of Autaugaville in Autauga County are hereby altered and rearranged so that only that territory lying within the boundaries hereinafter described shall be embraced within the corporate limits of the town. Any territory heretofore lying within the corporate limits of the town of Autaugaville, but not lying within the boundaries hereinafter described, is hereby excluded from the area embraced within the corporate limits of the town; and any territory not heretofore embraced within the corporate limits of the town of Autaugaville but lying within the boundaries hereinafter described, is hereby annexed to and hereafter shall be embraced in the corporate limits of the town. The boundaries of the town of Autaugaville are described as follows:

Begin at the section corner common to Sections 15, 16, 21 and 22 of Township 17, North, Range 14 East, St. Stephens Meridian, run thence south along the west boundary of Section 22 to the northwest corner of the south half of the north half of Section 22; thence east along the north boundary of the said south half of the north half of said Section 22 and along the north boundary of the south half of the north half of Section 23 to the northeast corner of the southeast quarter of the northeast quarter of said Section 23; thence south along the east boundary of Section 23 to the southeast corner of the northeast quarter of the southeast quarter of Section 23; thence west along the south boundary of the north half of the south half of said Section 23 and continue west along the south boundary of the north half of the southeast quarter of Section 22 to the northwest corner of the southwest quarter of the southeast quarter of said Section 22; thence south along the east boundary of the southeast quarter of southwest quarter of Section 22 to the northwest corner of the east half of Section 27; thence east with the north boundary

of said Section 27 to the northeast corner of the northwest quarter of the northeast quarter of said Section 27; thence south along the east boundary line of the northwest quarter of the northeast quarter of Section 27 to the center of said northeast quarter; thence east along the north boundary of the southeast quarter of the northeast quarter of Section 27 to the northeast corner thereof; thence south along the east boundary of said Section 27 to the southeast corner of the northeast quarter thereof; thence west along the south boundary of the southeast quarter of the northeast quarter of said Section 27 to the southwest corner thereof; thence south along the east boundary of the west half of the southeast quarter of said Section 27 to the southeast corner thereof; thence west along the south boundary of Section 27 to the southwest corner of the southeast quarter of said Section 27; thence north along the west boundary of the east half of said Section 27 to the southeast corner of the northeast quarter of the northwest quarter of said Section 27; thence west along the south boundary of the said northeast quarter of the northwest quarter to the center of said northwest quarter of Section 27; thence north along the west boundary of said northeast quarter of the northwest quarter of said Section 27 to the northwest corner thereof; thence west along the south boundary of Sections 22 and 21 to the northeast corner of the west half of the east half of Section 28; thence south along the east boundary of the west half of the east half of said Section 28 to the southeast corner thereof; thence west along the south boundary of Sections 28 and 29 to the southwest corner of the southeast quarter of Section 29; thence north along the west boundary of the southwest quarter of the southeast quarter of said Section 29 to the northwest corner thereof; thence east along the north boundary of the south half of the southeast quarter of said Section 29 and the north boundary of the south half of the southwest quarter of Section 28 to the northeast corner thereof; thence north along the west boundary of the east half of said Section 28 to the northwest corner thereof; thence west along the south boundary of Section 21 to the southwest corner thereof; thence north along the west boundary of said Section 21 to the northwest corner of the southwest quarter of said Section 21; thence west along the north boundary of the northeast quarter of the southeast quarter of Section 20 to the northwest corner thereof; thence north along the east boundary of the southwest quarter of the northeast quarter of said Section 20 to the center of the northeast quarter of said Section 20; thence west along the north boundary of the southwest quarter of the northeast quarter and the southeast quarter of the northwest quarter of said Section 20 to the center of the northwest quarter of said Section 20; thence south along the west boundary of the southeast quarter of the northwest quarter of said Section 20 to the southwest corner thereof; thence east along the south boundary of said southeast quarter of the northwest quarter of

Section 20 to the center of said Section 20; thence south along the west boundary of the northwest quarter of the southeast quarter of said Section 20 to the southwest corner thereof; thence east along the south boundary of the north half of the southeast quarter of said Section 20 and along the north boundary of the south half of the south half of Section 21 to the center of the southeast quarter of said Section 21; thence north along the west boundary of the northeast quarter of the southeast quarter and along the west boundary of the east half of the northeast quarter of said Section 21 to the northwest corner thereof; thence northwesterly through the southwest quarter of the southeast quarter of Section 16 to the northwest corner thereof; thence west along the north boundary of the southeast quarter of the southwest quarter of said Section 16 to the northwest corner thereof; thence southeasterly through the southeast quarter of the southwest quarter of said Section 16 to the southeast corner thereof; thence east along the north boundary of Section 21 to the point of beginning.

Section 2. Act No. 468, H. 36, Regular Session 1961 (Acts 1961, Vol. 1, p. 524) and all other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.

Time: 10:16 A. M.

Act No. 31

H. 3—Glass

AN ACT

Relating to cities having populations of not less than 6,600 nor more than 7,000, regulating further the conduct of certain municipal elections in such cities.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in cities having a population of not less than 6,600 nor more than 7,000 inhabitants, according to the last or any subsequent decennial census of the United States, or according to any municipal census taken either under the provisions of Article 3, Chapter 10, Title 37, Code of Alabama 1940, as amended, or of Act No. 845, S. 142, approved September 19, 1953 (Acts of Alabama, Regular Session, 1953, p. 1136).

Section 2. There shall be elected at each general municipal election the following officers who shall compose the City Council, and who shall hold office for four years and until their successors

are elected and qualified, and who shall exercise the legislative functions of city government and any other powers and duties which are or may be vested by law in the City Council or its members:

1. Councilman, place number one
2. Councilman, place number two
3. Councilman, place number three
4. Councilman, place number four
5. Councilman, place number five

All of which said councilmen shall be elected from the city at large. The same person shall not be a candidate or be permitted to file his statement of candidacy for more than one of such places, and should a run-off be necessary, such a candidate may enter the election for only the place for which he announced his original statement of candidacy, and no ballot shall be counted for any candidate in any election, except for the place or number for which he announced in his statement of candidacy.

Section 3. Within the term provided by the general municipal election laws for the delivery of the boxes, the council shall proceed to open the same and canvass the returns. If any candidate for office in said election has received a majority of the votes cast for that office, then such candidate shall be declared elected to such office, and a certificate of election shall be given to such person by the council or other governing body, which shall entitle the person so certified to the possession of their respective offices immediately upon the expiration of the term of their predecessors as provided by law. If no candidate receives a majority of all the votes cast in such election for any one office or offices for the election to which there were more than two candidates, or in the event of a tie vote between two or more persons for the same office, then, in either event, the council or other city governing body shall, not later than three days after such election order a new election to be held not later than seven days after such election, at which election the two candidates receiving the highest number of votes in the first election for such office or offices shall run and the person receiving the highest number of votes shall be declared elected. In the event either of the two candidates receiving the highest number of votes in the first election shall determine not to enter the runoff election herein provided for, he shall, as soon as possible and not later than three days after the holding of the first election, certify his declaration not to enter such second election to the council or other city governing body and upon receipt of such notification such governing body shall declare the other candidate elected to such office and such candidate shall receive a certificate of

election and no second election need be held for that particular office, nor shall the name of the party so declining to run be printed on the ballot of any second election held under the provisions of this section. In the event there should be a tie vote cast at any such run-off election, then, in such event, such tie shall be decided by the council or other governing body. This section shall apply in all elections and to all candidates for any municipal office.

Section 4. Except as otherwise provided herein all elections held under the terms of this act shall be held in accordance with the general municipal election laws of the State of Alabama pertaining to the mayor-council form of government.

Section 5. All laws or parts of laws in conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.

Time: 10:05 A. M.

Act No. 32

H. 5—Merrill, Burnham, Albea

AN ACT

To authorize the Board of Commissioners of the City of Anniston, Alabama, or other governing body of such city, to authorize, permit and grant the legal right, for and on behalf of said City of Anniston, Alabama, to The First National Bank of Anniston, Alabama, a National Banking Association, to construct, erect and maintain an overhead viaduct or overpass from the rear of the building where it is now doing a banking business, and being located on Lot 12, and the North one-half of Lot 11 in Block 1, according to the Anniston City Land Company Map of Anniston, Alabama, and extending eastwardly to the building located on Lot 13, Block 1, according to said map, as said building is now constructed, or as it may be repaired, altered or reconstructed by The First National Bank of Anniston, Alabama in connection with its contemplated plan of extending its banking business into said building on Lot 13, Block 1, and the carrying on of its business in both of said buildings and to allow said viaduct or overpass to extend across the alley as now existing between said buildings, and running in a northerly direction through said Block 1, and between the rear of the building located on said Lot 12 and the north one-half of Lot 11, and the side of the building located on Lot 13, all in said Block 1; to set forth certain conditions which may be required in connection with the granting of the right to construct and maintain said overhead viaduct or overpass; to provide that if and when said viaduct is so constructed, or the right to build it is granted by said governing body of said City on behalf of said City of Anniston, Alabama that all parts of said alley to be included within said viaduct or overpass shall be vacated, and all rights of the public, including any property owners in said Block 1, or in other portions of said City of Anniston, Alabama, shall be entirely divested, and all of such parties shall be deprived of any claims for any damages whatsoever arising out of the installation and maintaining of

said viaduct or overpass; to find as a fact that such viaduct or overpass will relieve traffic hazards, and to provide certain other conditions and provisions relative to said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Commissioners of the City of Anniston, Alabama, or other governing body of said City, shall be, and is hereby expressly given the right and authority to authorize, permit and grant for and on behalf of the City of Anniston, Alabama, the legal right to The First National Bank of Anniston, Alabama, a National Banking Association, to construct, erect and maintain an overhead viaduct or overpass from the rear of the building where it is now doing a banking business and being located on Lot 12, and the north one-half of Lot 11 in Block 1, according to the Anniston City Land Company Map of Anniston, Alabama and extending eastwardly to the building located on Lot 13, Block 1, according to said map as said building is now constructed, or as it may be repaired, altered, or reconstructed by The First National Bank of Anniston, Alabama in connection with its contemplated plan of extending its banking business into said building on Lot 13, Block 1, and the carrying on of its business in both of said buildings and to allow said viaduct or overpass to extend across the alley as now existing between said buildings and running in a northerly direction through said Block 1, and between the rear of the building located on said Lot 12 and the north one-half of Lot 11, and the side of the building located on Lot 13, all in said Block 1.

Section 2. That the Legislature of Alabama in connection with the passing of this Act does specifically find as a matter of fact that such viaduct or overhead pass will greatly relieve a traffic hazard and danger to employees and customers of said bank in going back and forth across said alley in passing from one department or operation of said bank being carried on in said two buildings.

Section 3. That the Board of Commissioners of the City of Anniston, Alabama, in granting on behalf of the City of Anniston, Alabama said right to construct such viaduct or overpass shall have the right to provide for and prescribe the dimensions of such viaduct up to the width of forty-five (45) feet, being the width of the building now occupied by The First National Bank of Anniston, Alabama, or may limit the width of such viaduct to such smaller dimensions as such governing body may deem to the best interest of the City of Anniston, Alabama and the general public. Likewise, said governing body shall have the right on behalf of the City of Anniston, Alabama to provide for any limit of the height of such viaduct or overpass.

Section 4. That said Board of Commissioners of the City of Anniston, Alabama, or other governing body, shall not have

the right to authorize for and on behalf of the City of Anniston, Alabama the construction of any such viaduct or overpass which will be less than twelve (12) feet in height from the surface of said alley to the bottom of such viaduct or overpass at any point. The height above said alley shall be in the judgment and discretion of said governing body, provided at least the minimum height as herein provided is required. Likewise, said governing body shall require such viaduct or overpass to be constructed so that no posts, pillars or other supports shall be placed in said alley, but free and unobstructed passage through said alley for its full thirty (30) feet in width, and at least twelve (12) feet in height, shall be provided for and required.

Section 5. The Board of Commissioners or other governing body of said City of Anniston shall, in granting for and in behalf of said City of Anniston, Alabama said right to construct and maintain such viaduct or overhead pass, further expressly have the right to provide for the approval by the building inspector or engineering department, or other proper agency of said city, of the plans, specifications and materials to be used in construction of such viaduct or overpass and to provide proper supervision during the construction of the same.

Section 6. That the City of Anniston, Alabama shall not be responsible for any injuries to persons or property in connection with the construction and maintaining such viaduct or overpass.

Section 7. That if and when said right to construct such viaduct or overhead pass is granted to the First National Bank of Anniston, Alabama by said Board of Commissioners of the City of Anniston, Alabama, or other governing body of said City for and on behalf of the City of Anniston, Alabama, all parts of said alley as above described which shall be included within the dimensions of said viaduct or overpass shall be, and are hereby expressly vacated and all rights of the public, including any property owners in said Block 1, or in any other portions of said City of Anniston, Alabama in said parts of said alley as vacated shall be, and are hereby expressly divested, and all such parties shall be deprived of any claims for any damages whatsoever arising out of the vacation of such portion of said alley, and the installation and maintaining of said viaduct or overpass and the right of The First National Bank of Anniston to install and maintain such viaduct or overpass over said alley, as herein provided for, shall be, and is hereby vested in the First National Bank of Anniston, Alabama.

Section 8. That each section, clause and provision of this Act shall be separate and separable, and if any one or more of such sections, clauses or provisions should for any reason be declared unconstitutional, or invalid, it shall not affect the re-

maining portions of said Act, which shall remain and be of legal and binding effect.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.
Time: 10:16 A. M.

Act No. 33

H. 7—Nabors, Owens, Burns

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 70,000 nor more than 100,000 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 70,000 nor more than 100,000 according to the 1960 or any subsequent federal decennial census.

Section 2. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in any county to which this Act applies on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 3. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal

law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 4. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, coturnix quail, pheasants, chuckar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 5. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section and an issuance fee of fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 6. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 7. Bob-white quail and coturnix quail shall be tagged with self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the director of conservation might make for scientific investigations. The Alabama Department of Conservation shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 8. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in section 6 hereof shall be determined.

Section 9. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 10. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 11. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.

Time: 10:03 A. M.

Act No. 34 H. 14—Crawford, Brewer, Fite, Camp, Thomas, Cook, Powell, Brown (Jefferson), Bassett, Edwards (Escambia), Hester, Hannah, Posey, Meade, Burns, Steagall, Cooper, Pierce, Glass, Martin, Vacca, Sessions, Morrow, Snell, McCorquodale, Jones (Monroe), Nettles, Turnham, Grouby, Drake, Teel, Ingram, Paulk, Cornett, Turner (Crenshaw)

AN ACT

To provide that it is a proper and legitimate function for the State to provide for the cost of maintaining, improving, repairing, constructing, and reconstructing all city and town streets and roads in the State, including viaducts, bridges and culverts; to authorize and empower the State Highway Department to make expenditures from its funds for all or any part of the costs of maintenance, improvement, repair, construction and reconstruction of all or any part of such streets and roads, but not to require such expenditures; providing that this act shall not affect the duties and obligations of the State Highway Department to maintain and repair the streets and roads, or any portion thereof, in any city or town, which are, or may hereafter be, designated as connecting link roads under the provisions of Act No. 284 of the Regular Session of the Legislature of Alabama of 1949; to provide for the repeal of all laws, or parts of laws, in conflict herewith, to the extent of such conflict; and to provide for severability of sections or other divisions or parts of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby declared by the Legislature of Alabama that all city and town streets and roads in the State of Alabama, including viaducts, bridges and culverts, do now, and will in the future, serve a State purpose, and are of benefit to the people of the State; that said streets and roads, including viaducts, bridges and culverts, are public highways and bridges; and, that it is a proper and legitimate function for the State to provide for the cost of maintaining, improving, constructing and reconstructing such streets and roads in cooperation with the city or town involved.

Section 2. The State Highway Department, hereinafter referred to as the Department, in cooperation with the city or town involved, is hereby authorized and empowered to make expendi-

tures from its funds for all or any part of the costs of maintaining improving, repairing, constructing and reconstructing all or any portion of the streets and roads, including viaducts, bridges and culverts, in every city and town in the State of Alabama. Provided that nothing herein contained shall require the Department to maintain, improve, repair, construct, or reconstruct the streets and roads, or portions thereof, in any city or town in the State. Provided further, that nothing herein contained shall affect the duties and obligations of the Department to maintain and repair the streets and roads, or any portion thereof, in any city or town, which are, or may hereafter be, designated as connecting link roads under the provisions of Act No. 284 of the Regular Session of the Legislature of Alabama of 1949.

Section 3. All laws or parts of laws in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

Section 4. In the event any part or portion of this act shall be declared unconstitutional, such event shall not affect the force and effect of the remaining portion thereof.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor.

Approved March 18, 1963.

Time: 10:15 A. M.

Act No. 35

H. 17—Moore

AN ACT

Relating to Lawrence County, providing for a fine and forfeiture fund in the county treasury and for the use thereof, repealing Act No. 362, H. 741, Regular Session 1961 (Acts 1961, v. 1, p. 381), an act abolishing the fine and forfeiture fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. All fines and forfeitures imposed by the courts in Lawrence County shall be paid in money, and shall go into the county treasury in a special fund, to be known as the fine and forfeiture fund, unless otherwise expressly provided for by general laws.

Section 2. Whenever there is a surplus of the fund arising from fines and forfeitures in the county treasury over and above the sum required to pay the registered claims of the state witnesses, the surplus may be used to pay officers in the manner prescribed by Code of Alabama, Title 15, Chapter 19.

Section 3. In addition to the uses to be made of the fine and forfeiture fund of Lawrence County as provided in Section 2, the court of county commissioners, board of revenue, or other

like governing body of the county may make appropriations from the fund for any purpose expressly authorized by general laws, but not otherwise.

Section 4. Act. No. 362, H. 741, Regular Session 1961 (Acts 1961, v. 1, p. 381) entitled, "An Act Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county," is hereby expressly repealed.

Section 5. Section 4 does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved March 18, 1963.

Time: 10:14 A. M.

Act No. 36

H. 18—Moore

AN ACT

Relating to Lawrence County, providing for the appointment of deputies by the sheriff, regulating their compensation, and providing for payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Lawrence County may appoint a chief deputy and three other deputies whose compensation shall be paid by the county. The compensation of the chief deputy shall be not less than \$265 nor more than \$300 a month. The compensation of the other three deputies shall be not less than \$240 nor more than \$275 a month each.

Section 2. Each deputy of the sheriff appointed under this Act shall serve at his pleasure, and each shall perform his duties

anywhere in the county; however, each deputy shall have the primary duty of enforcing state traffic and motor vehicle laws.

Section 3. The salaries of the chief deputy and each of the other deputies shall be paid, in whole or in part, out of the county public highway and traffic fund or the general fund, as the court of county commissioners, board of revenue, or other like governing body of the county may direct, upon warrants drawn on the county treasury in the manner prescribed by law.

Section 4. No provision of this Act shall be construed as a limitation of the power of the sheriff of Lawrence County to deputize specially as many deputies as he may consider necessary to assist him in the performance of his duties.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.

Time: 10:13 A. M.

Act No. 37

H. 19—Turnham

AN ACT

To amend Section 15, Act No. 294, Acts 1949, which act establishes an employees' pension and relief system for the city of Auburn so as to provide for the designation of beneficiaries of refunds of employees' contributions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Act No. 294, H. 731, Regular Session 1949 (Acts 1949, p. 421) an act establishing a pension system for employees of the city of Auburn, is hereby amended to read as follows:

"Section 15. Death benefits. In addition to all other benefits accruing hereunder, whenever an active employee of the city shall die, there shall be paid on the order of the Board from the fund his actual funeral and burial expenses, not to exceed one hundred twenty-five dollars (\$125.00). In case of the death of any employee while in service or retirement, the heirs at law or next of kin of such deceased employee, or such other beneficiary as he may have theretofore designated in writing, shall be paid in a lump sum an amount equivalent to the contributions made to the fund by such deceased employee, less the amount that shall have been received by such employee as benefits under this Act."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.

Time: 10:12 A. M.

Act No. 38

H. 20—Cooper

AN ACT

To authorize the Board of Revenue or like governing body of Macon County to levy a privilege or license tax on persons, corporations, copartnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Macon County, to authorize the Board of Revenue or like governing body of Macon County to collect the tax and to effect distribution thereof to the incorporated municipalities within the County and to Macon County; to authorize the Board of Revenue to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue or like governing body of Macon County may levy a privilege or license tax on all persons, corporations, copartnerships, companies, agencies and associations selling, distributing, or delivering to retailers in Macon County any malt or brewed beverages, (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) which tax shall be in an amount equal to not more than two cents on quantities of twelve fluid ounces or less, three cents on quantities of more than twelve but not exceeding sixteen fluid ounces, and four cents on quantities of more than sixteen but not exceeding twenty-four fluid ounces; and two cents on each twelve fluid ounces or fractional part thereof in excess of twenty-four fluid ounces of malt or brewed beverages sold, delivered or distributed to retailers located in the county. The privilege or license tax herein authorized shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law.

Section 2. The privilege or license tax authorized by this Act shall be collected by, or under the supervision of, the Board of Revenue or like governing body of Macon County and the Board of Revenue or like governing body shall apportion and distribute the net proceeds of the tax, the term net being that portion remaining after payment of expenses incurred as provided for herein, and said apportionment and distribution shall be as follows: seven-twelfths of said net proceeds shall be retained by Macon County and shall be covered into the general fund of said County, to be used for governmental purposes of the county

as other moneys in the general fund of Macon County are now used; four-twelfths shall be apportioned and distributed to the City of Tuskegee and shall be covered into the general fund of the City of Tuskegee, to be used for governmental purposes of the City as other moneys in the general fund of said City are now used; one-twelfth shall be apportioned and distributed to the Town of Notasulga and shall be covered into the general fund of said Town, to be used for governmental purposes of the Town as other moneys in the general fund of said Town are now used.

Section 3. The Board of Revenue or like governing body of Macon County may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license tax authorized by this Act, and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expenses of compliance with such rules and regulations. The Board of Revenue or like governing body may employ such personnel as may be needed to collect and enforce the tax, and shall fix their compensation and tenure. Each city or town receiving any funds under this Act shall provide aid and assistance in enforcing the tax herein authorized within its territory.

Section 4. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the Board of Revenue or like governing body of Macon County shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute as separate offense.

Section 5. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed by this Act shall pay, in addition to the tax, a penalty of ten percent of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied became payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective on the first day of the first month immediately after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.
Time: 10:11 A. M.

Act No. 39

H. 21—Fite

AN ACT

To amend further Act No. 115, H. 409, Regular Session 1949 (Acts 1949, p. 139), which act levies and provides for the collection and distribution of sales and use taxes in Marion County, so that the scope of the license tax levied in said act and the exemptions and other provisions applicable to said license tax shall with certain exceptions parallel, although at the rates herein specified, the scope of the state sales tax levied by Act No. 100, Second Special Session 1959, and the exemptions and other provisions applicable to the said state sales tax; so that the scope of the excise or use tax levied in said Act No. 115 and the exemptions and other provisions applicable to said use tax shall with certain exceptions parallel, although at the rates herein specified, the scope of the state use tax levied by Article 11 of Chapter 20, Title 51, Code of Alabama, as last amended, and the exemptions and other provisions applicable to the said state use tax; so as to adopt by reference certain provisions of said Act No. 100 and the said Article 11, as so amended; so as to increase the rate of said license tax and of said excise or use tax with respect to the sale, use, storage or consumption of tangible personal property, and the rate of the tax levied on persons and others conducting places of amusement in said county; and so as to provide further for use of the proceeds of such taxes.

Be It Enacted by the Legislature of Alabama:

Act No. 115, H. 409, Regular Session 1949 (Acts 1949, p. 139), which act levies and provides for the collection and distribution of sales and excise or use taxes in Marion County, is hereby amended to read as follows:

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, the state sales tax act, and in Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

“State sales tax statutes” means Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said act and the incidence and collection of the tax imposed therein;

“State sales tax” means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Code of Alabama 1940, Title 51, Chapter 20, Article 11, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the state department of revenue pursuant to the state use tax statutes or licensed under the state sales tax statutes.

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. Effective on the first day of the month succeeding the month during which this Act becomes a law, there is hereby levied in Marion County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Marion County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidence of debt or stocks), for a period of 36 months, an amount equal to two percent, and thereafter an amount equal to one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified when his books are kept, so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants

or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10c) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10c) per sale and shall file with the State Department of Revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the State Department of Revenue, the gross receipts tax herein provided for shall not be levied.

2. Upon every person, firm, or corporation engaged or continuing within Marion County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Marion County, for a period of 36 months, an amount equal to two percent, and thereafter an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Marion County in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, for a period of 36 months, an amount equal to one percent, and thereafter an amount equal to one-half of one percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer. Provided, that where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

4. There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax. In addition, there shall be exempted from the computation of the amount of the tax the gross proceeds of

the sale of machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property; provided, that the term "machines," as herein used shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

5. For a period of 36 months after the taxes imposed in this section become effective, the rates of the taxes applicable in the city of Winfield shall be only one-half of the rates prescribed for the county.

Section 3. An excise tax is hereby imposed on—

(a) The storage, use, or other consumption in Marion County of tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this Act shall become a law, for storage, use or other consumption in Marion County, for a period of 36 months at the rate of two percent, and thereafter at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Marion County or in this state, except as provided in subsection (c) of this section; and

(b) The storage, use or other consumption in Marion County of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use or other consumption in this state, for a period of 36 months, at the rate of one percent and thereafter at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(c) There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. The storage, use, or other consumption in Marion County of the following tangible personal property is hereby specifically exempted from the tax imposed by this section: machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property;

provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. Subject to these exemptions, every person storing or using or otherwise consuming in Marion County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 5 of this Act to the purchaser of any property to be used, stored, or consumed in Marion County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

(d) For a period of 36 months after the taxes imposed by this section become effective the rates of the taxes applicable to the city of Winfield shall be only one-half of the rates prescribed for the county.

Section 4. The taxes levied in Section 2 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 3 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however, that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as the state department of revenue may require. Any person subject to

the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the chairman of the Marion County Board of Revenue, or his designated agent, at reasonable times during business hours.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Marion County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sale or if the storage, use, or other consumption of such tangible personal property in Marion County is not then taxable under this Act, at the time such storage, use or other consumption becomes taxable hereunder, collect the tax imposed by Section 2 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in section 4 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department showing the total sales of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the tax imposed by Section 3 of this Act during the then preceding quarterly period and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return provided that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Marion County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use, or other consumption of which is subject to the tax imposed by Section 3 of this Act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within Marion County in a business subject to the taxes levied in Section 2 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed by this Act shall constitute a debt due Marion County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the taxes herein levied, and the state department of revenue, for the use and benefit of Marion County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving this Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Marion County.

Section 8. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of monthly reports and keeping and preserving

records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The state commissioner of revenue and the state department of revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Sections 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this Act to the taxes herein levied and to the administration of this Act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The state department of revenue shall charge Marion County for collecting said special taxes herein levied by this Act, the cost of making such collections which charge shall not exceed five per cent of the amount collected. Such charge may be deducted once each month from the special sales and use taxes collected before certifying the amount of special taxes due Marion County. The commissioner of revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the tenth day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Marion County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Marion County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to Marion County in an amount equal to the

amount so certified by the commissioner of revenue as having been collected for the use of Marion County.

Section 10. (a) All the revenues derived from the taxes herein levied in the City of Winfield shall be used exclusively for the maintenance, operation and improvement of the county public hospital located in Hamilton and for such other public health purposes of such kind and description as in the judgment of the Marion County Board of Revenue may seem proper, including the payment of the principal of and the interest on any warrants, bonds or other securities heretofore or hereafter issued for such purposes.

(b) All the remaining revenues derived from the taxes herein levied shall be used as follows:

One-half thereof, for a period of 36 months after this Act becomes operative, shall be used exclusively for the purpose of paying a debt in the approximate amount of \$270,000, plus interest, owed by the Marion County Board of Education to the Marion County Banking Company and to reimburse Marion County the amount of \$13,754.85 which was heretofore advanced by the Board of Revenue of Marion County for educational purposes, and any portion of said half remaining after such debts have been paid in full shall be paid over to the County Board of Education to the credit of the general school fund of Marion County; and the remaining one-half of the said revenues shall be used exclusively for the maintenance, operation, and improvement of the county public hospital located at Hamilton and for other public health purposes of such kind and description as in the judgment of the Marion County Board of Revenue may seem proper, including the payment of the principal of and the interest on any warrants, bonds or other securities heretofore or hereafter issued for such purposes.

Section 11. All laws or parts of laws which conflict with this Act are repealed.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective on the first day of the second month succeeding the month during which it is enacted.

Approved March 18, 1963.

Time: 10:02 A. M.

Act No. 40

H. 22—Fite

AN ACT

To regulate fishing in Buttahatchee River and Bear Creek in Marion County; to authorize the public to go upon the lands of another under certain conditions for the purpose of fishing within a certain area adjacent to such streams; to define violations and prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person may lawfully go upon the banks of Buttahatchee River and Bear Creek in Marion County, and all land adjacent thereto lying within ten feet from the high water mark, for the sole purpose of fishing in such stream or streams, if ingress to the same and egress therefrom is obtained from or to a public way.

Section 2. Whoever goes upon the land of another under the authority of this Act and destroys or causes to be destroyed any property or anything of value belonging to the landowner shall be personally liable to the owner in an amount equal to four times the value of the property or thing destroyed, and shall also be guilty of a misdemeanor. And whoever goes upon the land of another under the authority of this Act having in his possession firearms of any kind shall likewise be guilty of a misdemeanor.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.

Time: 10:10 A. M.

Act No. 41

H. 23—Fite

AN ACT

To fix the compensation to be paid school bus drivers employed by the board of education of Marion County.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Marion County shall pay any person regularly employed as a school bus driver a salary of not less than one hundred dollars (\$100.00) per month. The board shall adjust the salary provision of existing contracts of

presently employed school bus drivers where necessary to give effect to the purpose of this act.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on the first day of the month following the date of its enactment.

Approved March 18, 1963.

Time: 10:09 A. M.

Act No. 42

H. 24—Fite

AN ACT

Relating to the public schools of Marion County; regulating further the expenditure of matriculation fees.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County board of education or any city board of education in Marion County, as the case may be, shall have the power to distribute the matriculation fees or any part thereof to the various schools collecting the same to pay their necessary expenses arising in the daily operations of the schools. The principal of any school receiving such fees shall determine expenditures to be made with the fees under such general rules or orders as the board of education may prescribe.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.

Time: 10:08 A. M.

Act No. 43

H. 27—Collins, Glass, Hannah, Reynolds, Mashburn, Morrow, Ingram, Cooper, Little, Hain, Fite, Cook, Jones (Monroe), Nettles, Posey, Moore, Daniel, Jones (Covington), Gilmore, B o w e r s, Callahan, Goodwyn, Pierce, Brown (Jefferson), Brewer, Merrill, Thomas, Hester, Martin, Rast, Crawford, Turnham, Campbell (Tuscaloosa), Goldthwaite, Sullivan, Bevill, Cantrell, Wood, Scurlock, Branyon, Drake, Meade, Turner (Crenshaw), Engel, Bailes, Casey, Turner (Limestone), Slate, Vacca, Ses-

sions, Perry, Hawkins, Baker (DeKalb), McCorquodale, Blanton, Holladay, Harper, Burnham, Bassett, Albea, Edwards (Escambia), Edwards (Lowndes), Nabors, Rogers, Hogan, Hankins, Grouby, Brown (Tuscaloosa)

AN ACT

To amend Sections 362, 364, 365, 366, 368, and 369 of Title 52 of the Code of Alabama of 1940, as amended, which relate to the Teachers' Retirement System and to repeal Act No. 116 approved August 24, 1959.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 362 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 362. DEFINITIONS. The following words and phrases as used in this chapter unless a different meaning is plainly required by the context shall have the following meaning: "Retirement System" shall mean the teachers' retirement system of Alabama as defined in Section 363 of this title: "Public school" shall mean any day school conducted within the state under the authority and supervision of a duly elected or appointed county or city board of education and any educational institution supported by and under the control of the state, or any private non-denominational school operated nonprofit for education of children of school age residing within a district where no public school is available for such children. "Teacher" shall mean any teacher, principal, superintendent, supervisor, college professor, administrative officer, or clerk employed in any public school or public college within the state or employed in any private non-denominational school operated nonprofit for education of children of school age residing within a district where no public school is available for such children, or any similar employee or officer of the department of education or of the Alabama Education Association, or any attendance worker fifty percent or more of whose salary is paid from public school funds, or any employee receiving a regular stated compensation from the retirement system. In all cases of doubt the board of control hereinafter defined shall determine whether any person is a teacher as defined in this chapter. "Employer" shall mean the State of Alabama, the county school board, the city school board, the state board of education, or any governing body of any private non-denominational school operated nonprofit for education of children of school age residing within a district where no public school is available for such children, or any other agency of and within the state by which a teacher is paid. "Member" shall mean any teacher included in the membership of the system as provided in Section 364 of this title. "Board of control" shall mean the board provided for in Section

367 of this title to administer the retirement system. "Medical board" shall mean the board of physicians provided for in Section 367 of this title. "Trustees" shall mean the members of the board of control, to administer the trust funds. "Service" shall mean service as a teacher. "Prior service" shall mean service rendered prior to the date of establishment of the retirement system for which credit is allowable under Section 365 of this title. "Membership service" shall mean service as a teacher rendered while a member of the retirement system and on account of which contributions are made. "Creditable service" shall mean "prior service" plus "membership service" rendered since last becoming a member. "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance, or other benefit as provided by this chapter. "Regular interest" shall mean interest compounded annually at such rate as shall be determined by the board of control in accordance with Section 368, subsection (2) of this title. "Accumulated contributions" shall mean the sum of all the amounts deducted from the compensation of a member and credited to his individual account in the annuity savings fund together with regular interest thereon as provided in Section 369 of this title. "Earnable compensation" shall mean the full rate of the compensation that would be payable to a teacher if he worked the full normal working time. In cases where compensation includes maintenance, the board of control shall fix the value of that part of the compensation not paid in money. "Average Final Compensation" shall mean the average annual compensation of a teacher, with respect to which he has made contributions pursuant to paragraph (b) of subsection (1) of Section 369 of this title, during the five years in his last ten years of creditable service for which such average is highest, or during his entire period of creditable service if less than five years, except that for any period prior to October 1, 1959 the compensation used in computing such average shall include compensation in excess of the maximum amount with respect to which members were required to contribute. "Annuity" shall mean payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments. "Pension" shall mean payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments. "Retirement allowance" shall mean the sum of the "annuity" and the "pension". "Retirement" shall mean withdrawal from active service with a retirement allowance or optional benefit in lieu thereof granted under the provisions of this chapter. "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables as shall be adopted by the board of control, and regular interest. "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in

lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the board of control, and regular interest. "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the board of control and regular interest. The masculine pronoun, whenever used, shall include the feminine. "Normal contribution" means the contribution of the state necessary to provide a pension equal to the annuity which the member's contribution made prior to age sixty-five with interest will provide at age of retirement not to exceed age sixty-five.

Section 2. That Section 364 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 364. MEMBERSHIP. The membership of the retirement system shall consist of the following: All persons who shall become teachers after the date of establishment shall become members of the retirement system as a condition of their employment. Any person who is a teacher on the date of establishment shall become a member as of that date unless within a period of ninety days next following such teacher shall file with the Board of Control on a form prescribed by the Board a notice of his election not to be covered in the membership of the system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system. Notwithstanding the foregoing, on and after October 1, 1963 no person who has attained age sixty-one shall become a member of the system unless such person shall previously have been a member of this system or of the Employees' Retirement System of Alabama. The Board of Control may, in its discretion, deny the right to become members to any class of teachers whose compensation is only partly paid by the state or who are serving on a temporary or other then per annum basis, and it also may, in its discretion, make optional with members in any such class their individual entrance into the retirement system. Should any member in any period of six consecutive years after becoming a member be absent from service more than five years, or withdraw his contributions, as provided in subsection (3) of Section 366 of this title, or retire or die, he shall thereupon cease to be a member; provided that the Board of Control may continue the membership of a member entering directly into the armed forces of the United States if he does not withdraw his contributions as provided in subsection (3) of Section 366 of this title. Anything in this chapter to the contrary notwithstanding, if any member enters directly into the armed forces of the United States and does not withdraw his contributions, as provided in subsection (3) of Section 366 of this title, and if he returns to service as a teacher within one year and six months after having been honorably discharged from the armed forces

(time spent in Institutions of Higher Learning as a full time college student under such criteria as may be established by the Board of Control shall be excluded in limiting time for return to service), membership service credit may be granted by the Board of Control for the period of such service in the armed forces, provided that upon his subsequent return to service as a teacher he elects to make up his contributions for the period of his service in the armed forces by authorizing in writing special contributions to be deducted from his salary in such amounts as will make up such contributions before the end of a period equal to the length of his service in the armed forces, or before the attainment of age sixty, whichever occurs first, on the basis of his rate of earnable compensation at the time his service in the armed forces commenced, provided that effective February 1, 1960, such members cannot receive credit for more than four years of military service. Any teacher who entered directly into the armed forces of the United States after August 27, 1940, but prior to September 1, 1945, without having become a member and who returns to service as a teacher within one year and six months after having been honorably discharged from the armed forces (time spent in Institutions of Higher Learning as a full time college student under such criteria as may be established by the Board of Control shall be excluded in limiting time for return to service) and who elects to become a member within ninety days thereafter may be deemed by the Board of Control to be a member at establishment and be entitled to credit for prior service, including service in the armed forces up to the date of establishment of the retirement system, and to credit for membership service for the period of his service in the armed forces after the date of establishment of the retirement system under the same conditions as credit for membership service is allowed members entering into the armed forces after the date of establishment. Except as hereinafter provided, no benefit under the retirement system other than the return of contributions as provided in subsection (3) of Section 366 of this title shall become payable to or on account of any member while he is not in service as a teacher, unless the member withdraws from service after reaching age sixty, and further provided that a teacher who becomes a member on or after October 1, 1963 must have ten or more years creditable service when he withdraws from service after reaching age sixty. Anything in this title to the contrary notwithstanding, any member who, at the time of his withdrawal from service, has completed the age and service requirements established by the Board of Control for eligibility for deferred benefits shall be eligible to continue in the membership of the system until he files application for service retirement in accordance with the provisions of Section 366 of this title. The Board of Control shall, from time to time, establish the minimum age and the minimum number of years of creditable service which shall be required in order that a member may be

eligible for deferred benefits, provided that such minimum number of years of creditable service shall not be less than ten years nor more than twenty-five years. Unless and until changed by the Board of Control, the requirements for deferred benefits shall be the completion of twenty-five years of creditable service or the completion of ten years of creditable service and the attainment of age fifty-five at the time of withdrawal from service.

Section 3. That Section 365 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 365. CREDITABLE SERVICE. (1) Under such rules and regulations as the Board of Control shall adopt, each person, who was a teacher prior to the date of establishment of the system, and who under the provisions of this Act makes up contributions for the time said teacher taught as a non-member and who becomes a member prior to April 30, 1962, shall file a detailed statement of all service as a teacher rendered by him prior to the date of establishment for which he claims credit. The Board of Control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall it allow any credit for a period of absence without pay for more than one month's duration, nor shall more than one year of service be creditable for all service in one calendar year. Service rendered for a regular school year shall be equivalent to one year's service. Subject to the above restrictions and to such other rules and regulations as the Board of Control may adopt, the Board of Control shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed. Upon verification of the statements of service, the Board of Control shall issue prior service certificates certifying to each member the length of service rendered prior to the date of establishment, with which he is credited on the basis of his statement of service. Any prior service certificate heretofore issued not providing for the maximum prior service to which the member is entitled shall be revised to include such credit. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, however that any member may request the Board of Control to modify or correct his prior service certificate. When membership ceases, a prior service certificate shall become void. Should a teacher again become a member, he shall enter the system as a teacher not entitled to prior service credit. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate.

(2) Any teacher, or retired teacher, who became a member of the retirement system before July 1, 1961, and who prior to said date had been ineligible to receive credit for service rendered as a teacher prior to September 1, 1941 for reasons other than having taught as a non-member shall be eligible under the rules and regulations adopted by the Board of Control in accordance with the provisions of this chapter to receive credit for all service as a teacher rendered by him prior to the date of establishment of the retirement system provided such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said fund, and provided that said member has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system. (3) Any teacher who was a member of the teachers' retirement system as of September 9, 1955, shall be eligible to receive credit for service rendered as a state employee on a full time basis prior to October 1, 1945, under such rules and regulations as may be adopted by the Board of Control in accordance with the provisions of this chapter. (4) Anything in this chapter to the contrary notwithstanding, any teacher who is now a member of the teachers' retirement system, or who becomes a member of the teachers' retirement system at a future date, who had previously withdrawn his funds from either the teachers' retirement system or the employees' retirement system or whose account had been terminated due to a five (5) years absence, shall have restored to him all creditable service provided that said teacher completes five (5) years of contributing membership service after he again becomes a member of the retirement system and provided that said teacher repays to the treasurer of the retirement system, within eight (8) months after completion of five (5) years of contributing membership service the amount previously returned to him including regular interest to the date of repayment.

Section 4. That Section 366 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 366. BENEFITS. (1) (a) Any member who withdraws from service upon or after attainment of age sixty may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that any such member who became a member on or after October 1, 1963 shall have completed ten or more years of creditable service. (b) Any member who has attained age sixty and has previously withdrawn from service may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be

retired, provided that the said member shall have completed at the time of his withdrawal from service, the requirements established by the Board of Control for eligibility for deferred benefits pursuant to Section 364 of this title. (c) Any teacher in service who has attained age seventy shall be retired forthwith, provided that with the approval of his employer, he may remain in service until the end of the then current school year which shall be no later than the June 30 following the date on which he attains age seventy. (2) Upon retirement from service a member shall receive a service retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and (b) a pension which shall be equal to the annuity allowable at age of retirement, but not to exceed an annuity allowable at age sixty-five computed on the basis of contributions made prior to the attainment of age sixty-five; and (c) if he has a prior service certificate in full force and effect an additional pension which shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of the members that was received during such prior service, the Board of Control may use for the purposes of this chapter the compensation rates which, if they had progressed with the rates of salary increase shown in the tables as prescribed in Section 367, subsection (13), of this title, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received; and (d) the annual service retirement pension payable to a member retiring on or after October 1, 1963 shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (i) One and one-eighth per centum of the member's average final compensation multiplied by the number of years of his creditable service, reduced in the case of a member who retires prior to the attainment of age sixty-five by one-fourth of one per centum for each month by which his date of retirement precedes his sixty-fifth birthday; or (ii) \$39 multiplied by the number of years of his creditable service not in excess of twenty-five years. (2¼) Upon the application of a member in service or of his employer, any member who has had ten or more years of creditable service may be retired by the Board of Control, on a disability retirement allowance not less than thirty nor more than ninety days next following the date of filing such an application; provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be perman-

ent, and that such member should be retired. (2½) Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty, otherwise he shall receive a disability retirement allowance which shall consist of: (a) an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and (b) a pension which shall be equal to seventy-five per centum of the pension that would have been payable under paragraphs (b) and (c) of subsection (2) of this section upon service retirement at age sixty-five had the member continued in service to said age without change in compensation. The annual disability pension shall not be less than an amount which when added to his annuity is equal to \$29.25 multiplied by the number of years of his creditable service not in excess of twenty-five years. (2¾) (a) Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three year period thereafter, the Board of Control may, and upon his application shall require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician of or designated by the Medical Board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the Board of Control. (b) Should the Medical Board report and certify to the Board of Control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the Board of Control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. (3) (a) Should a member cease to be a teacher except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen but less than twenty-one

years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) Should a member die before retirement, the amount of his contributions with all accrued interest credited at the time of his death shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control. (4) With the provision that no election of an option shall be effective until the end of the month following the effective date of retirement, and that should a beneficiary die before his first benefit payment is due at the end of the month following the effective date of retirement, he shall be considered as an active member at the time of death, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent at that time of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the Board of Control. (5) (a) Should any beneficiary be restored to active service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member, nor shall he make contributions, except that should such beneficiary, who has been restored to active service, continue in service for a period of five or more years from the date of his re-entry into active service, he may request the Board of Control to allow him to again become a member of the Retirement System. The Board of Control may grant the request for restoration to membership provided such beneficiary whose retirement allowance has been

suspended repays to the system all monies received by him as benefits during any periods subsequent to the date of his re-entry into active service and provided further that he makes a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis, together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the Retirement System and shall make contributions. (6) (a) All retirement allowance payments due on or after October 1, 1963 to members who retired prior to said date shall be re-determined as if the provisions of subsection (2) and (2½) of this section which became effective on said date were in effect at the time the member retired, provided that the annual retirement allowance of any member who retired on or before January 1, 1956 shall not be less than \$48.00 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of service retirement, or \$36.00 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of disability retirement. Any increase provided in the retirement allowance payment under this subsection (6) for a member who retired under the provisions of any optional benefit elected pursuant to subsection (4) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subsection (6). (b) Any person who served at least thirty years as a teacher in the public schools of Alabama and was never a member of the system and who, prior to October 1, 1963, was in receipt of a benefit for old age assistance pursuant to subsection (1) and (2) of Section 1 of Act No. 116, approved August 24, 1959, shall be entitled to receive an annual retirement allowance of \$1,440 from the system, effective as of October 1, 1963. (c) Prior to October 31, 1963 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with paragraph (a) of this subsection or all or a specified part of the excess of his monthly retirement allowance payments under paragraph (b) of this subsection over the monthly benefit for old age assistance which he was receiving prior to October 1, 1963. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representative or to such person as he

shall have nominated by written designation duly acknowledged and filed with the Board of Control.

Section 5. That Section 368 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 368. MANAGEMENT OF FUNDS. (1) (a) The Board of Control shall be the trustees of the several funds of the Teachers' Retirement System created by this Chapter as provided in Section 369 of this title, and shall have full power to invest and reinvest such Funds, through its Secretary-Treasurer, in such classes of bonds, mortgages, common and preferred stocks, shares of investment companies or mutual funds, or other investments, as the Board of Control may from time to time approve, subject to all the terms, conditions, limitations and restrictions imposed by the laws of Alabama upon domestic life insurance companies in the making of their investments; and subject to like terms, conditions, limitations and restrictions the Board of Control, through its Secretary-Treasurer, shall have full power to hold, purchase, sell, assign, transfer and dispose of any such investments in which such Funds created herein shall have been invested, as well as the proceeds of said investments and any monies belonging to such Funds. No purchase of stocks or other so-called equity securities shall be made for such Funds which shall cause the total of such stocks or equity securities held in such Funds at any one time to exceed 20% of the total book value of all investments held in such Funds. (b) The Secretary-Treasurer shall have the authority and it shall be his duty to carry out the investment policies fixed by the Board of Control, and pursuant thereto he shall examine all offers of investments made to such Funds, shall initiate inquiries as to available investments, therefor, shall review periodically the investment quality and desirability of retention of investments held, and shall from time to time make such purchases and sales of investments as he shall deem to the best interests of such Funds and as the Investment Committee hereinafter provided for, and as the consultant to the Secretary-Treasurer, if any, appointed by the Board of Control hereunder, to the extent of the purpose for which it is appointed, shall approve. (c) The Board of Control shall elect an Investment Committee which shall consist of three members of the Board, one of whom shall be the Director of Finance. The Investment Committee shall consider all investment recommendations made by the Secretary-Treasurer and shall either approve or disapprove the same. The Investment Committee may act through the affirmative vote of any two of its members, except however that in the event said investment in any one enterprise exceeds the sum of five hundred thousand dollars (\$500,000.00) an affirmative vote of all three (3) members of the investment committee must be had. Approvals may be secured informally in advance but

shall in any event be confirmed by written authorization to be attached to the invoice of the transaction. (d) The Board of Control may appoint and employ as consultant to the Secretary-Treasurer, in the purchase, sale and review of investments of said funds, to such extent as the Board may designate, a bank having its principal office in the State of Alabama, having capital, surplus and undivided profits of not less than Three Million Dollars, and having an organized investment department. The Bank so appointed shall not sell securities to the Retirement System, other than U. S. Government Securities for which no commission shall be charged. (e) The Secretary-Treasurer shall report to the Board of Control all purchases and sales of investments made by him pursuant hereto at least once semi-annually. (2) The Board of Control shall allow annually regular interest on the mean amount for the preceding year in each of the funds, with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds and shall be credited annually thereto by the Board of Control from interest and other earnings on the monies of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid from the pension accumulation fund, and any excess of earnings over such amount required shall be paid to the pension accumulation fund. Regular interest shall mean such per cent rate to be compounded annually as shall be determined by the Board of Control on the basis of the interest earnings of the system for the preceding year and of the probable earnings to be made, in the judgment of the Board, during the immediate future, such rate to be limited to a minimum of three per cent and a maximum of four per cent with the latter rate applicable during the first year of operation of the retirement system. (3) Monies accruing to the annuity savings fund, the annuity reserve fund, the pension accumulation fund, and the pension reserve funds, shall be certified by the Secretary-Treasurer for deposit in the state treasury to the credit of the Teachers' Retirement System. All monies provided in accordance with the provisions of this chapter for administrative expense shall be certified for deposit in the state treasury to the credit of the Teachers' Retirement System Expense Fund. All payments from said funds shall be made by the State Treasurer on warrants drawn by the State Comptroller upon vouchers signed by two persons designated by the Board of Control. A duly attested copy of a resolution of the Board of Control designating such persons and bearing on its face specimen signatures of such persons shall be filed with the State Comptroller as his authority for drawing warrants upon such vouchers. No voucher shall be drawn unless it has previously been authorized by resolution of the Board of Control or included in the budget adopted by the Board. (4) Except as otherwise herein provided, no member of the Board of Control and no employee of the Board shall have any direct interest in the gains

or profits of any investment made by the Board, nor as such receive any pay or emolument for his services. No member or employee of the Board of Control shall, directly or indirectly, for himself or as an agent, in any manner use the same, except to make such current and necessary payments as are authorized by the Board; nor shall any member or employee of the Board of Control become an endorser or surety or in any manner an obligor for monies loaned or borrowed from the Board.

Section 6. That Section 369 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 369. METHOD OF FINANCING. Effective October 1, 1955 all of the assets of the retirement system shall be credited according to the purpose for which they are held among five funds, namely: the annuity savings fund, the annuity reserve fund, the pension accumulation fund, the pension reserve fund, and the expense fund. The operation of the former pension fund shall be discontinued as of such date and an amount equal to the pension reserve on all pensions, and benefits in lieu thereof in effect as of that date and payable theretofore from the pension fund shall be transferred to the pension reserve fund and an amount equal to the balances of the reserves held in said former fund shall be transferred to the pension accumulation fund.

(1) (a) The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Contributions to and payments from the annuity savings fund shall be made as follows: (b) Each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period three and one-half per centum of his earnable compensation. In determining the amount earnable by a member in a payroll period, the Board of Control may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per cent of the annual compensation upon the basis of which such deduction is to be made. (c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deduction made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the

service rendered by such person during the period covered by such payment, except as to the benefits provided under this chapter. The employer shall certify to the board of control on each and every payroll or in such other manner as the board may prescribe, the amount to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into the annuity savings fund, and shall be credited, together with regular interest thereon, to the individual account of the member from whose compensation said deduction was made. (d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the Board of Control, any member may deposit in the annuity savings fund by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity which, together with his prospective retirement allowance, will provide for him a total retirement allowance not to exceed one-half of his average final compensation at age sixty. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value and shall not be considered in computing his pension. The contributions and interest credits of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death, shall be paid from the annuity savings fund. Should a member cease to be a member other than by retirement under the provisions of this title, an amount equivalent to the difference, if any, between his accumulated contributions and the amount then paid shall be transferred to the expense fund. Upon the retirement of a member his accumulated contributions shall be transferred from the annuity savings fund to the annuity reserve fund. (e) Notwithstanding the preceding provisions, no deductions shall be made from any member's salary on account of which the employer's contribution is in default. (2) The annuity reserve fund shall be the fund in which shall be held the reserve on all annuities in force and from which shall be paid all annuities and all benefits in lieu of annuities. Should a beneficiary again become a member of the retirement system, his annuity reserve shall be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein. Should a beneficiary again become a teacher, his annuity reserve may be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein. (3) (a) The pension accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by employers. Contributions to and payments from the pension accumulation fund shall be made as follows: (b) On account of each member there shall be paid annually into the pension accumulation fund by employers for

the preceding fiscal year an amount equal to a certain percentage of the earnable compensation of each member to be known as the "normal contribution" and until the accrued liability has been liquidated, an additional amount equal to a percentage of his earnable compensation to be known as the "accrued liability contribution". (c) On the basis of regular interest and of such mortality and other tables as shall be adopted by the Board of Control the actuary engaged by the Board to make such valuation required by this title during the period over which the accrued liability contribution is payable shall, immediately after making such valuation, determine the uniform and constant percentage of the earnable compensation of the average new entrant which, if contributed on the basis of his compensation throughout his entire period of active service, would be sufficient to provide for the payment of any pension payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable, the normal contribution rate shall be the rate per centum of the earnable compensation of all members obtained by deducting from the total liabilities of the pension accumulation fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of the prospective total earnable compensation of all members as computed on the basis of regular interest and the mortality and service tables adopted by the Board of Control. The normal contribution rate shall be determined by the actuary after each valuation. (d) The accrued liability contribution rate shall be computed by the actuary on the basis of the valuation as of March 31, 1963 as the rate per centum of the total annual compensation of all members which is equivalent to four per centum of the total liabilities of the pension accumulation fund, based on the benefit provisions of this title which are effective as of October 1, 1963, which are not dischargeable by the sum of the funds standing to the credit of said fund and the present value of the aforesaid normal contributions. (e) The total amount payable in each year to the pension accumulation fund shall be not less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year; provided, however, that the aggregate accrued liability contribution by employers for any fiscal year commencing on or after October 1, 1964 shall be at least three per centum greater than the accrued liability contribution for the preceding fiscal year. (f) All interest and dividends earned on the funds of the retirement system shall be credited to the pension accumulation fund. The amounts needed to allow regular interest on the reserves in the annuity savings fund, the annuity reserve fund, and the pension reserve fund shall be transferred in accordance with the provisions of this chapter to the respective funds from the pension accumulation

fund. The board of control, in its discretion, may transfer to and from the pension accumulation fund the amount of any surplus or deficit which may develop in the annuity savings fund, the annuity reserve fund, the pension reserve fund, or the expense fund. (g) Upon the retirement of a member an amount equal to his pension reserve shall be transferred from the pension accumulation fund to the pension reserve fund. (4) The pension reserve fund shall be the fund in which shall be held the reserves on all pensions granted to members and from which such pensions and benefits in lieu thereof shall be paid. Should a beneficiary receiving a pension from the pension reserve fund again become a member of the retirement system, his pension reserve shall be transferred from the pension reserve fund to the pension accumulation fund. Should the pension payable from the pension reserve fund be reduced as a result of an increase in the earning capacity of a disability beneficiary, the amount of such annual reduction in his pension shall be paid annually into the pension accumulation fund during the period of such reduction. (5) The expense fund shall be the fund from which the expenses of the administration of the retirement system shall be paid, exclusive of amounts payable as retirement allowances and as other benefits provided herein. Any amounts credited to the accounts of members withdrawing or dying before retirement and not returnable under the provisions of sub-section (3) of Section 366 of this title shall be credited to the expense fund. Any additional contributions required to meet the expense of the retirement system shall be made as provided in subsection (6), paragraph (c) of this section. (6) (a) On or before October 1, of each year, each county and city board of education, the state board of education, the governing boards of the University of Alabama, Auburn University, and Alabama College, and the executive committee of the Alabama Education Association shall file with the board of control of the retirement system a certified statement containing the following information concerning the members of the retirement system employed by such boards for the scholastic year beginning on July first preceding said date: Name, address, monthly salary, annual salary, and such other information as the board of control may require. On or before July thirty-first of each year, each county and city board of education; the state board of education; the governing boards of the University of Alabama, Auburn University, and Alabama College; and the executive committee of the Alabama Education Association shall file with the board of control of the retirement system a certified statement containing the following information concerning members of the retirement system employed by such boards during the scholastic year ending on June thirtieth preceding said date: Name, address, monthly salary actually paid, total annual salary actually paid, and such other information as the board of control may require. (b) The collection of members' contributions shall

be as follows: Each county and city board of education; the state board of education, the governing boards of the University of Alabama, Auburn University, and Alabama College; and the executive committee of the Alabama Education Association shall cause to be deducted on each and every payroll period subsequent to the date of the establishment of the retirement system the contributions payable by each member as provided in this chapter. Each employer shall transmit monthly, or at such time as the board of control shall designate, the total amount so deducted to the secretary-treasurer of the board of control accompanied by an itemized statement of the contributions of each individual member of the retirement system. The secretary-treasurer of the board of control after making a record of all such receipts shall transmit the same to the state treasurer to be held for use according to the provisions of this chapter. Notwithstanding anything in this section, the board of control may modify the form of reports required of employers, and may modify the method of collecting the contributions of members so that employers may retain the amounts so deducted and have a corresponding amount deducted from funds otherwise payable to them. (c) The employers' contributions shall be made by appropriation from the Alabama Special Educational Trust Fund. The appropriation shall be in an amount to be determined as follows: on or before the first day of February next preceding each regular meeting of the Legislature, the Board of Control shall certify to the Governor the amount calculated as a percentage of the salaries of teachers to be contributed by the State as employer for each year of the biennium next following to each of the funds of the retirement system in accordance with subsections (3) and (5) of this section. These amounts shall be included in the appropriation bill which is submitted to the Legislature. The Board of Control shall certify to the State Comptroller one quarter of the annual amount appropriated in each quarter of the fiscal year and he shall draw a warrant or warrants for the amounts due the retirement system to be deposited with the State Treasurer.

Section 7. Act No. 116, approved August 24, 1959, relating to rules and regulations with regard to providing old age assistance to teachers is hereby expressly repealed.

Section 8. This Act shall become effective on October 1, 1963.

Approved March 18, 1963.

Time: 10:21 A. M.

Act No. 44 H. 28—Goodwyn, Gilmore, Callahan, Pierce, Cantrell, Brown (Jefferson), Brewer, Merrill, Thomas, Hester, Martin, Rast, Crawford, Turnham, Campbell (Tuscaloosa), Goldthwaite, Sullivan, Beville, Wood, Scurlock, Branyon, Collins, Glass, Hannah, Reynolds, Morrow, Ingram, Little, Cooper, Hain, Fite, Cook, Mashburn, Jones (Monroe), Nettles, Daniel, Posey, Moore, Jones (Covington), Drake, Meade, Turner (Crenshaw), Engel, Casey, Bailes, Turner (Limestone), Slate, Vacca, Sessions, Bowers, Perry, Hawkins, Baker (DeKalb), McCorquodale, Blanton, Holladay, Harper, Burnham, Bassett, Edwards (Escambia), Edwards (Lowndes), Albea, Nabors, Rogers, Hogan, Hankins, Grouby, Brown (Tuscaloosa)

AN ACT

To amend Sections 1, 3, 4, 5, and 8 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945 page 734) as amended, which relates to the Employees' Retirement System of Alabama and to repeal Act No. 376 approved November 6, 1959 and to repeal Act No. 293 approved July 28, 1949 relating to certain benefits to retired members of the Employees' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended be and is hereby amended to read as follows:

Section 1. DEFINITIONS. The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings: (1) "Retirement System" shall mean the Employees' Retirement System of Alabama as defined in Section 2 of this Act. (2) "Employee" shall mean any regular employee of the State of Alabama whose salary is paid on a monthly basis by state warrant by the State, except a member of the Legislature of the State, a person who is covered or eligible to be covered under the Teachers' Retirement System of Alabama or any other retirement system to which contributions are made by the State, an elective official of the State Government or a department head authorized to exercise sovereign power of the State and a temporary employee or person engaged under retainer or special agreement except that a member who becomes an elected official of the State Government not subject to Supernumerary retirement or a department head authorized to exercise sovereign power of the State through appointment by the Governor shall continue to be an "employee" within the meaning of this section. In all cases of doubt the

Board of Control shall determine who is an employee within the meaning of this Act. (2½) The word "employee" shall mean any regular employee of the Alabama State Hospitals and Partlow State School for Mental Deficients and Alabama State Docks, however paid. (3) "Employer" shall mean the State of Alabama, or any department, commission, institution, or any other agency of and within the State by which an employee is paid, including employers as provided in Section 12. (4) "Member" shall mean any employee included in the membership of the system as provided in Section 3 of this Act. (5) "Board of Control" shall mean the board provided for in Section 6 of this Act to administer the retirement system. (6) "Medical Board" shall mean the board of physicians provided for in Section 6 of this Act. (7) "Service" shall mean service as an employee paid for by an employer. (8) "Prior Service" shall mean service rendered prior to the date of establishment of the retirement system for which credit is allowable under Section 4 of this Act. (9) "Membership service" shall mean service as an employee rendered while a member of the retirement system and on account of which contributions are made. (10) "Creditable service" shall mean "prior service" plus "membership service" rendered since last becoming a member. (11) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance, or other benefit as provided by this Act. (12) "Regular interest" shall mean interest compounded annually at such rate as shall be determined by the Board of Control in accordance with Section 7, Subsection (2), of this Act. (13) "Accumulated contributions" shall mean the sum of all the amounts deducted from the compensation of a member credited to his individual account in the Annuity Savings Fund, together with regular interest thereon, as provided in Section 8 of this Act. (14) "Earnable compensation" shall mean the full rate of compensation that would be payable to an employee if he worked the full normal working time. In cases where compensation includes maintenance, the Board of Control shall fix the value of that part of the compensation not paid in money. (15) "Average Final Compensation" shall mean the average annual compensation of an employee, with respect to which he has made contributions pursuant to paragraph (b) of Subsection (1) of Section 8 of this Act, during the five years in his last ten years of creditable service for which such average is highest, or during his entire period of creditable service if less than five years, except that for any period prior to November 1, 1959 the compensation used in computing such average shall include compensation in excess of the maximum amount with respect to which members were required to contribute. (16) "Annuity" shall mean payments for life derived from the "Accumulated contributions" of a member. All annuities shall be payable in equal monthly installments. (17) "Pension" shall mean payments for life derived from money provided by the employer. All

pensions shall be payable in equal monthly installments. (18) "Retirement allowance" shall mean the sum of the "annuity" and the "pension". (19) "Retirement" shall mean withdrawal from active service with a retirement allowance or optional benefit in lieu thereof granted under the provisions of this Act. (20) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables as shall be adopted by the Board of Control and regular interest. (21) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the Board of Control and regular interest. (22) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the Board of Control and regular interest. (23) The masculine pronoun, whenever used, shall include the feminine. (24) "State Policeman" shall mean an employee in the classified service under the Merit System Act approved by the Personnel Board to perform the duties of Highway Patrolman, or a Beverage Control Agent, or a Crime Investigator, and shall not include a member employed as a policeman under the provisions of Section 12 of this Act.

Section 2. That Section 3 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended be and is hereby amended to read as follows:

Section 3. MEMBERSHIP. The membership of the retirement system shall be composed as follows: (1) All persons who shall become employees after the date of establishment shall become members of the retirement system as a condition of their employment, except that on and after October 1, 1963 no person who has attained age sixty-one shall become a member of the retirement system unless such person shall previously have been a member of this system or of the Teachers' Retirement System of Alabama. (2) Any person who is an employee on the date of establishment shall become a member as of that date unless within a period of ninety days next following, such employee shall file with the Board of Control on a form prescribed by the board a notice of his election not to be covered in the membership of the system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his membership in the retirement system. (3) An employee whose membership in the retirement system is contingent on his own election and who elects not to become a member, may thereafter apply for and be admitted to membership with all prior service credit as otherwise provided for in this act by applying for such membership at any time prior to July 1, 1962, provided said employee pays to the treasurer of the said retirement system on

or before July 1, 1962, a sum equal to the total contributions which he would have made as a member during the period of his service as an employee from October 1, 1945 to the date of his application for membership. Any member or retired employee who at one time worked as a non-member may now receive credit for prior service and for the years worked as a non-member provided said member or retired employee pays to the treasurer of the retirement system on or before July 1, 1962, a sum equal to the total contributions which he would have made as a member during the period of his employment from October 1, 1945, to the date he became a member. (4) The Board of Control may, in its discretion, deny the right to become members to any class of employees whose compensation is only partly paid by the State. (5) (a) Should any member in any period of six consecutive years after becoming a member be absent from service more than five years, or withdraw his contributions, as provided in Subsection (6) (a) of Section 5, or retire or die, he shall thereupon cease to be a member; provided that the Board of Control may continue the membership of a member entering directly into the armed forces of the United States, if he does not withdraw his contributions as provided in Subsection (6) (a) of Section 5 of this Act. (b) Anything in this act to the contrary notwithstanding, if any member enters directly into the armed forces of the United States and does not withdraw his contributions as provided in Subsection (6) (a) of Section 5 of this Act, and if he returns to service as an employee within one year after having been honorably discharged from the armed forces, membership service credit may be granted by the Board of Control for the period of such service in the armed forces, provided that upon his subsequent return to service as an employee he elects to make up his contributions for the period of his service in the armed forces by authorizing, in writing, special contributions to be deducted from his salary in such amounts as will make up contributions before the end of a period equal to the length of his service in the armed forces, or before the attainment of age sixty, or in the case of a state policeman age fifty six, whichever occurs first, on the basis of his rate of earnable compensation at the time his service in the armed forces commenced, provided that effective October 1, 1963 such members cannot receive credits for more than four years of military service. (c) Any employee who entered directly into the armed forces of the United States before the date of establishment and who returns to service within one year after having been honorably discharged from the armed forces and who elects to become a member within ninety days thereafter may be deemed by the Board of Control to be a member at establishment and to be entitled to credit for prior service and for service in the armed forces after the date of establishment, under the same conditions as credit for membership service is allowed members entering into the armed forces after the date of estab-

lishment. (d) No benefit under the retirement system other than the return of contributions as provided in Subsection (6) (a) of Section 5 of this Act shall become payable to or on account of any member while he is not in service as an employee, unless the member withdraws from service after reaching age sixty, or, in the case of a state policeman, after reaching age fifty-six. Anything in this act to the contrary notwithstanding, any member who has completed twenty-five years of creditable service or who has completed ten years of creditable service and has attained age fifty-five at the time of his withdrawal from service shall be eligible to continue in the membership of the system until he files application for service retirement in accordance with the provisions of Subsection (1) of Section 5 of this Act.

Section 3. That Section 4 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended be and is hereby amended to read as follows:

Section 4. CREDITABLE SERVICE. (1) Under such rules and regulations as the Board of Control shall adopt, each member, who was an employee prior to the date of establishment of the system, and who has made up contributions for time served as a non-member, and who becomes a member prior to July 1, 1961, shall file a detailed statement of all service as an employee rendered by him prior to the date of establishment for which he claims credit. (2) The Board of Control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service but in no case shall it allow any credit for a period of absence without pay of more than one month's duration, nor shall more than one year of service be creditable for all service in one calendar year. (3) Subject to the above restrictions and to such other rules and regulations as the Board of Control may adopt, the Board of Control shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed. (4) Upon verification of the statements of service, the Board of Control shall issue prior service certificates certifying to each member the length of service rendered prior to the date of establishment, with which he is credited on the basis of his statement of service. Any beneficiary retired prior to the effective date of this act, and any other person receiving a retirement allowance on account of a beneficiary retired prior to said date shall be entitled on and after said date to have his pension increased to take account of any service rendered as an employee established under the provisions of this act. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the Board of Control to modify or correct his prior service certificate. When membership ceases such prior

service certificate shall become void. Should the employee again become a member, he shall enter the system as an employee not entitled to prior service credit. (5) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate. (6) Any person who was a member of the retirement system on July 1, 1961, and who prior to said date had been ineligible to receive credit for service rendered as an employee prior to October 1, 1945, for reasons other than having been employed as a non-member, shall be eligible under the provisions of Act 515, General Acts 1945, as amended, to receive credit for all service as an employee rendered by him prior to the date of establishment of the retirement system provided such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said funds, and provided that said member has not been absent from service more than 5 years in any period of 6 consecutive years after becoming a member of the retirement system. (7) Any member entitled to prior service credit as hereinbefore provided in this section who served as a teacher in the public schools or colleges of the state on a full time basis prior to October 1, 1945, may claim prior service credit for all such service not otherwise creditable to him under the retirement system, such service, anything herein to the contrary notwithstanding, to be considered service as an employee. Such claim shall be subject to such rules and regulations as the Board of Control shall adopt. (8) Anything in this act to the contrary notwithstanding, any employee who is now a member of the retirement system or who becomes a member of the retirement system at a future date, who shall have previously withdrawn his funds from either the Employees' Retirement System or the Teachers' Retirement System or whose account shall have been terminated due to five years' absence, shall have restored to him all creditable service, provided that said employee completes five years of contributing membership service after he again becomes a member of the retirement system and repays the amount previously returned to him, including regular interest to the date of repayment, to the treasurer of the retirement system within eight months after completion of five years of contributing membership service.

Section 4. That Section 5 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended be and is hereby amended to read as follows:

Section 5. BENEFITS. (1) Service Retirement Benefit.

(a) Any member who withdraws from service upon or after attainment of age sixty may retire upon written application to the

Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that any such member who became a member on or after October 1, 1963 shall have completed ten or more years of creditable service. Provided further that a member employed as a state policeman shall be eligible to file application for service retirement upon attaining age fifty-six. (b) Any member who has attained age sixty, or age fifty-six in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member shall have completed twenty-five years of creditable service or shall have completed ten years of creditable service and shall have attained age fifty-five at the time of his withdrawal from service. (c) Any employee who attains age seventy shall be retired forthwith, except that any employee may be continued in the State service from year to year on his application approved by the Personnel Board, if evidence of physical and mental fitness is furnished. It is further provided that any official appointed for a term of years may remain in service until the end of the term of office for which he was appointed. Any officer or employee of the legislature who has attained age seventy shall not be compelled to retire at age seventy, but may continue in service until his retirement is ordered by the house of which he is an officer or employee; and that house shall be the sole judge of his qualifications to continue in such service. Nothing in this act shall require the dismissal of any person seventy years old or over who fails to join the retirement system within the time specified in this act, if such person was in the employ of the State on June 1, 1945. (d) Notwithstanding the provisions of this section to the contrary, any law enforcement employee in the Department of Conservation who has attained age sixty-five shall be retired forthwith. (e) Notwithstanding the provisions of this section to the contrary, any state policeman who has attained age sixty shall be retired forthwith; provided that any state policeman who attains age sixty may be continued in the State service from year to year on application of said employee approved by the Personnel Board, if evidence of physical or mental fitness to carry out his duties is furnished. (2) Allowance for Service Retirement. Upon retirement from service a member shall receive a service retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, except that in the case of a state policeman, who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six but prior to age sixty, the annuity shall be equal to the annuity that would have been payable upon service retirement at

age sixty had the member continued in service to said age sixty without change in compensation; and (b) A pension which shall be equal to the annuity allowable at the age of retirement, but not to exceed an annuity allowable at age sixty-five, computed on the basis of contributions made prior to attainment of age sixty-five, except that in the case of a state policeman who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six, but prior to age sixty, the pension shall be equal to the annuity that he would receive had he contributed to age sixty without change in compensation; and (c) If he has a prior service certificate in full force and effect, an additional pension shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder, except that in case of a state policeman who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six but prior to age sixty, an additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at age sixty, but not to exceed an annuity allowable at age sixty by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of a member that was received during such prior service, the Board of Control may use for the purposes of this chapter the compensation rate which, if it had progressed with the rates of salary increase shown in the tables as prescribed in Section 6, Subsection (14) of this Act, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received. (d) The annual service retirement pension payable to a member not employed as a state policeman retiring on or after October 1, 1963 shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (i) One and one-eighth per centum of the member's average final compensation multiplied by the number of years of his creditable service, reduced in the case of a member who retires prior to the attainment of age sixty-five by one-fourth of one per centum for each month by which his date of retirement precedes his sixty-fifth birthday; or (ii) \$39.00 multiplied by the number of years of his creditable service not in excess of twenty-five years. The annual service retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1963 shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (iii) One and three-fourths per centum

of the member's average final compensation multiplied by the number of years of his creditable service; or (iv) \$78.00 multiplied by the number of years of his creditable service not in excess of twenty-five years; provided however that if such a member has completed twenty years of creditable service as a state policeman and has not attained age sixty at the time of retirement said pension shall be determined as hereinbefore provided on the basis of the number of years of creditable service which he would have had if he had remained in service to age sixty. Anything herein to the contrary notwithstanding, in the application of the foregoing provisions of this paragraph to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification, the foregoing benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman and the foregoing benefit rates applicable to a member not employed as a state policeman shall apply to all other creditable service, but in all other respects the pension under this paragraph shall be determined on the basis of the member's employment classification at the time of his withdrawal from service.

(e) The annual service retirement pension payable to any state employee who had attained age 60 on or before October 1, 1945 who declined membership in the Employees' Retirement System of Alabama in the manner prescribed in Section 3 and who retires as a state employee after completing a minimum of fifteen years' service shall be \$39.00 multiplied by the number of years of his service not in excess of twenty-five years. (3) Disability Retirement Benefit. (a) Upon application of a member in service, or of his employer, any member who has had ten or more years of creditable service, who becomes disabled may be retired on a disability retirement allowance by the Board of Control not less than thirty nor more than ninety days next following the date of filing of such application, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (b) Provided further that without regard to the number of years of creditable service a member employed as a state policeman, who as a result of his employment, in line of duty and not as a result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform his duties or duties of a less strenuous nature, as an employee of the State of Alabama or as an employee of an employer participating under the provisions of Section 12 of this Act, shall be retired on a disability retirement allowance, not less than thirty nor more than ninety days next following the date of filing of such application, provided that the Medical Board, after a medical examination of such member shall certify that such member is mentally or physically incapacitated

for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (4) Allowance on Disability Retirement. Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty, or, in the case of a state policeman, if he has attained age fifty-six; otherwise, he shall receive a disability retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and (b) A pension which shall be equal to seventy-five per centum of the pension that would have been payable under paragraphs (b) and (c) of Subsection (2) of this section upon service retirement at age sixty-five had the member continued in service to said age without change in compensation. The annual disability pension shall not be less than an amount which when added to the annuity is equal to \$29.25 multiplied by the number of years of the member's creditable service not in excess of twenty-five years, except that in the case of a member employed as a state policeman such pension shall not be less than an amount which when added to the annuity is equal to \$58.50 multiplied by the number of years of the member's creditable service not in excess of twenty-five years. (5) Re-Examination of Beneficiaries Retired on Account of Disability. Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the Board of Control may, and upon his application shall, required any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician or physicians of or designated by the Medical Board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year all his rights in and to his pension may be revoked by the Board of Control; provided that these requirements relative to the medical examination shall not apply in the case of a state policeman retired for disability and who has attained age fifty-six. Should the Medical Board report and certify to the Board of Control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the Board of Control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an

amount which, when added to the amount earnable by the beneficiary, together with this annuity, exceeds the amount of his average final compensation. (6) Return of Contributions. (a) Should a member cease to be an employee except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service, and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) Should a member die before retirement, the amount of his contributions plus all credited interest shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control. (7) Option Allowances. With the provision that no election of an option shall be effective until the end of the month following the effective date of retirement and that, should a beneficiary die before his first benefit payment is due at the end of the month following the effective date of retirement, he shall be considered as an active member at the time of his death, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent, at that time, of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the Board of

Control. (8) Return to Active Service. (a) Should any beneficiary be restored to active service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member of the retirement system, nor shall he make contributions except that should such beneficiary who has been restored to active service continue in service for a period of five or more years from the date of his re-entry into active service, he may request the Board of Control to allow him to again become a member of the retirement system. The Board of Control may grant the request for restoration to membership provided such beneficiary whose retirement allowance has been suspended repays to the system all monies received by him as benefits during any periods subsequent to the date of his re-entry into active service and provided further that he makes a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the retirement system and shall make contributions. (9) (a) All retirement allowance payments due on or after October 1, 1963 to members who retired prior to said date shall be redetermined as if the provisions of Subsection (2) and (4) of this section which became effective on said date were in effect at the time the member retired, provided that the annual retirement allowance of any member not employed as a state policeman who retired on or before January 1, 1956 shall not be less than \$48.00 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of service retirement, or \$36.00 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of disability retirement. Any increase provided in the retirement allowance payment under this Subsection (9) for a member who retired under the provisions of any optional benefit elected pursuant to Subsection (7) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this Subsection (9). (b) Any person who, prior to October 1, 1963 was in receipt of a benefit pursuant to Act No. 376, approved November 6, 1959, but was not a member of the system at the time of retirement, shall be entitled to receive an annual retirement allowance from the system, effective October 1, 1963, as follows: (i) If such person was retired on or before January 1, 1956, an amount equal to \$48.00 multiplied by the number of years of his creditable

service not in excess of thirty years. (ii) If such person was retired after January 1, 1956, an amount equal to \$39.00 multiplied by the number of years of his creditable service not in excess of twenty-five years. (c) Prior to October 31, 1963 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with paragraph (a) of this subsection or all or a specified part of the excess of his monthly retirement allowance payments under paragraph (b) of this subsection over the monthly benefit which he was receiving prior to October 1, 1963 under the aforesaid Act No. 376. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representatives or to such person as he shall have nominated by written designation duly acknowledged and filed with the Board of Control.

Section 5. That Section 8 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended be and is hereby amended to read as follows:

Section 8. METHOD OF FINANCING. All the assets of the retirement system shall be credited according to the purpose for which they are held among five funds, namely, the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Accumulation Fund, the Pension Reserve Fund and the Expense Fund. (1) Annuity Savings Fund. (a) The Annuity Savings Fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Contributions to and payments from the Annuity Savings Fund shall be made as follows: (b) Each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period three and one-half per centum of his earnable compensation, except that in the case of a state policeman, the rate of seven per centum of earnable compensation shall apply on and after the effective date of this act, and in computing all retirement benefits it shall be assumed that a seven per centum rate of contributions had applied with respect to service as a state policeman previous to such date. In determining the amount earnable by a member in a payroll period, the Board of Control may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing through such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deductions required of any member by such an amount as shall not exceed one-tenth of one per

centum of the annual compensation upon the basis of which such deductions is made. (c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deduction made and provided for herein and shall receipt for his full salary or compensation; and payment of salary or compensation less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The employer shall certify to the Board of Control on each and every payroll or in such other manner as the Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into the Annuity Savings Fund, and shall be credited, together with regular interest thereon to the individual account of the member from whose compensation said deduction was made. (d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the Board of Control, any member may deposit in the Annuity Savings Fund by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity which, together with his prospective retirement allowance, will provide for him a total retirement allowance not to exceed one-half of his average final compensation at age sixty. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value and shall not be considered in computing his pension. The contributions and interest credits of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death, shall be paid from the Annuity Savings Fund. Should a member cease to be a member other than by retirement under the provisions of this act, an amount equivalent to the difference, if any, between his accumulated contributions and the amount then paid shall be transferred to the Expense Fund. Upon the retirement of a member his accumulated contributions shall be transferred from the Annuity Savings Fund to the Annuity Reserve Fund. (e) Notwithstanding the preceding provisions, no deductions shall be made from any member's salary on account of which the employer's contributions is in default. (2) Annuity Reserve Fund. The Annuity Reserve Fund shall be the fund in which shall be held the reserves on all annuities in force and from which shall be paid all annuities and all benefits in lieu of annuities. Should a beneficiary again become a member of the retirement system, his annuity reserve shall be transferred from the Annuity Reserve Fund to the Annuity Savings Fund and credited to his individual account therein. Should a beneficiary again become an employee

of the State his annuity reserve may be transferred from the Annuity Reserve Fund to the Annuity Savings Fund and credited to his individual account therein. (3) Pension Accumulation Fund. (a) The Pension Accumulation Fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by the employer and from which shall be paid all pensions and other benefits on account of members with prior service credit. Contributions to and payments from the Pension Accumulation Fund shall be made as follows: (b) On account of each member there shall be paid monthly by the employer an amount equal to a certain percentage of the earnable compensation of each member to be known as the "normal contribution" and an additional amount equal to a percentage of his earnable compensation to be known as the "accrued liability contribution" and these two amounts shall be paid monthly into the Pension Accumulation Fund provided that in the case of a state policeman, such percentage rates of contribution shall be doubled. The rate per centums of such contributions shall be fixed for each fiscal year on the basis of the liabilities of the retirement system as shown by the last annual actuarial valuation, and such rate per centums as established by such valuation shall take effect the following October first and continue in effect for the fiscal year. (c) On the basis of regular interest and of such mortality and other tables as shall be adopted by the Board of Control the actuary engaged by the board to make such valuation required by this act during the period over which the accrued liability contribution is payable shall, immediately after making such valuation, determine the uniform and constant percentage of the earnable compensation of the average new entrant which, if contributed on the basis of his compensation throughout his entire period of active service, would be sufficient to provide for the payment of any pension payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable the normal contribution rate shall be the rate per centum of the earnable compensation of all members obtained by deducting from the total liabilities of the Pension Accumulation Fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of the prospective future total earnable compensation of all members as computed on the basis of regular interest and the mortality and service tables adopted by the Board of Control. The normal rate of contributions shall be determined by the Actuary after each valuation. (d) The accrued liability contribution rate shall be computed by the Actuary on the basis of the valuation as of March 31, 1963 as the rate per centum of the total annual compensation of all members which is equivalent to four per centum of the total liabilities of the Pension Accumulation Fund, based on the benefit provisions of this act which are effective as of

October 1, 1963, which are not dischargeable by the sum of the funds standing to the credit of said fund and the present value of the aforesaid normal contributions. (e) The total amount payable in each year to the Pension Accumulation Fund shall be not less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year; provided, however, that the aggregate accrued liability contribution by the employer for any fiscal year commencing on or after October 1, 1964 shall be at least three per centum greater than the accrued liability contribution for the preceding fiscal year. (f) The accrued liability contribution shall be discontinued as soon as the accumulated reserve in the Pension Accumulation Fund shall equal the present value, as actuarially computed and approved by the Board of Control of the total liability of such fund less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of all persons who are at that time members. (g) All interest and dividends earned on the funds of the retirement system shall be credited to the Pension Accumulation Fund. The amounts needed to allow a regular interest on the reserves in the Annuity Savings Fund, the Annuity Reserve Fund, and the Pension Reserve Fund, shall be transferred in accordance with this act to the respective funds from the Pension Accumulation Fund. The Board of Control, in its discretion, may transfer to and from the Pension Accumulation Fund the amount of any surplus or deficit which may develop in the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Reserve Fund, or the Expense Fund. (h) All pensions and benefits in lieu thereof, with the exception of those payable on account of members who receive no prior service allowance, payable from contributions of employers shall be paid from the Pension Accumulation Fund. (i) Upon the retirement of a member not entitled to credit for prior service, an amount equal to his pension reserve shall be transferred from the Pension Accumulation Fund to the Pension Reserve Fund. (4) Pension Reserve Fund. The Pension Reserve Fund shall be the fund in which shall be held in reserves on all pensions granted to members not entitled to credit for prior service and from which such pensions and benefits in lieu thereof shall be paid. Should such a beneficiary retired on account of disability again become a member of the retirement system, his pension reserve shall be transferred from the Pension Reserve Fund to the Pension Accumulation Fund. Should the pension of such a disability beneficiary be reduced as a result of an increase in his earning capacity, the amount of the annual reduction in his pension shall be paid annually in the Pension Accumulation Fund during the period of such reduction. (5) Expense Fund. The Expense Fund shall be the fund from which the expenses of the administration of the retirement system shall be paid, exclusive of amounts payable as

retirement allowances and as other benefits provided herein. In addition thereto and on account of each member of the retirement system there shall be paid monthly by the employer an amount equal to a certain percentage of the earnable compensation of each member for the administrative expenses of the retirement system. The rate per centum of such contribution shall be fixed by the Board of Control on the basis of the cost exclusive of that provided by interest not returnable. Any amounts credited to the accounts of the members withdrawing or dying before retirement and not returnable under the provisions of Subsection (6) of Section 5 shall be credited to the Expense Fund. (6) Employer's Contributions. (a) For each biennium beginning October 1, 1955, each employer shall pay to the retirement system the rates provided in this section and thereafter at least thirty days preceding October first of each fiscal year the Board of Control shall certify to the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system in accordance with Subsections (3) (b) and (5). (b) The employer's contribution on account of the membership of employees whose salaries are paid in whole or in part from funds derived from Federal grants shall be paid from funds derived from said Federal grants in accordance with statutes governing the administration of said grants and in proportion to salaries paid therefrom. At such time and in such manner as may be required the Board of Control shall certify to each department of State receiving a Federal grant the amount due and payable from said grant as employer's contribution to the retirement system on account of the membership of said department whose salaries are paid in whole or in part from funds derived from such Federal grants. The fiscal agent of the department shall authorize the State Comptroller to draw a warrant or warrants in payment of the amount certified as due and payable from Federal grants. (7) Appropriation. There is hereby appropriated annually from the fund from which salaries of the employees of each employer are paid the amounts sufficient to carry out the provisions of this section. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the employer contribution of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such department.

Section 6. Act No. 376 approved November 6, 1959 relating to certain benefits is hereby expressly repealed.

Section 7. Act No. 293 approved July 28, 1949 relating to certain benefits is hereby expressly repealed.

Section 8. This Act shall become effective October 1, 1963.

Approved March 18, 1963.

Time: 10:20 A. M.

Act No. 45

H. 29—Slate, Brewer

AN ACT

To fix, determine, define and extend the boundary lines of the Town of Falkville, in Morgan County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Falkville, in Morgan County, Alabama, be and the same are hereby fixed, determined, defined and extended so as to embrace therein the following described property, to-wit:

Beginning at the northwest corner of Section 1, Township 8 South, Range 4 West, and running thence in an easterly direction along the northerly line of said Section 1 to the northeast corner of said Section 1; thence in a southerly direction along the easterly line of said Section 1 to the northwest corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 6, Township 8 South, Range 3 West; thence easterly along the northerly line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6 to the northeast corner of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 6; thence in a southerly direction along the easterly line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 6, and the easterly line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7, Township 8 South, Range 3 West, and the easterly line of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 7, Township 8 South, Range 3 West, to the southeast corner of said N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 7; thence in a westerly direction along the southerly line of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 7, and the southerly line of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 12, Township 8 South, Range 4 West, to the southwest corner of said N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of said Section 12; thence in a northerly direction along the westerly line of said N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the N $\frac{1}{2}$, and the westerly line of the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of said Section 12, and the westerly line of Section 1, Township 8 South, Range 4 West, to the point of beginning; being all of the following land:

All of Section 1; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 12; N $\frac{1}{2}$ of S $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 12; All in Township 8 South, Range 4 West; and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6; NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; All in Township 8 South, Range 3 West, containing in the aggregate 700 acres, more or less.

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved March 18, 1963.

Time: 10:08 A. M.

Act No. 46 H. 32—Rast, Hawkins, Etheredge, Bailes, Perry,
Morrow, Sessions, Vacca, Bowers

AN ACT

To amend Code of Alabama 1940, Title 32, Section 6, in relation to the permissible number of members of standing committees of the house of representatives.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 32, Section 6 is amended to read as follows:

“Section 6. No standing committee of the house of representatives, except a committee on local legislation, shall be composed of more than fifteen members.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.

Time: 10:06 A. M.

Act No. 47

H. J. R. 22—Fields, Pierce

HOUSE JOINT RESOLUTION

WHEREAS, an inspection of the physical properties of the Mt. Meigs Industrial School for Negro Children, by certain Juvenile Court Judges and newspaper reporters on March 13, 1963, disclosed a state of affairs and conditions existing to shock the conscience of all loyal Alabamians, and

WHEREAS, this condition has apparently existed for a long time and consists of outmoded buildings, overcrowded and unsanitary conditions, and generally disgraceful surroundings, which need immediate attention by the Legislature of Alabama; and

WHEREAS, certain Circuit and Juvenile Court Judges have expressed a willingness to help with this investigation;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING That a Legislative Committee consisting of 4 members of the House to be appointed by the Speaker and 2 members of the Senate to be appointed by the Lieutenant Governor is hereby created for the sole and only purpose of making such investigations as such committee might deem necessary to remedy the conditions existing at Mt. Meigs Industrial School for Negro Children;

BE IT FURTHER RESOLVED That such committee, by election, name not less than three Juvenile Court Judges as "Honorary" members of such committee to assist with the investigation;

BE IT FURTHER RESOLVED That such committee continue its existence during the 1963 Regular Session of the Legislature and that it make its recommendations to the 1963 Regular Session of the Legislature;

BE IT FURTHER RESOLVED That each member of such committee shall receive his regular per diem and expenses while exercising the duties of the committee and the honorary members of such committee shall be paid their actual expenses to be paid out of any monies appropriated to operate the Legislature.

Approved March 18, 1963.

Time: 10:04 A. M.

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
SECOND SPECIAL SESSION OF 1963
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MARCH 19, 1963



**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

GEORGE C. WALLACE, Governor

JAMES B. ALLEN, Lieutenant Governor

GEORGE HAWKINS, President Pro Tem. of the Senate

ALBERT P. BREWER, Speaker of the House

RANKIN FITE, Speaker Pro Tem. of the House

J. E. SPEIGHT, Secretary of the Senate

JOHN W. PEMBERTON, Clerk of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1963 Second Special Session of the Legislature of Alabama and is the official publication of such acts.

**Mrs. Agnes Baggett,
Secretary of State.**

**MESSAGE OF GOVERNOR GEORGE C. WALLACE
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT SECOND SPECIAL SESSION, MARCH 19, 1963**

Lieutenant Governor Allen, Mr. Speaker, Members of the Senate and House, Ladies and Gentlemen:

At the outset, I want to thank you, individually and collectively, for the cooperative responsible action you exhibited in passing the Road Bond issue which will enable Alabama to have its finest highway building and maintenance program in history.

Your action in insuring this program which will, in the long run, save our money, our time and many of our lives, is indicative of the caliber of this legislature and its desire to work together for the benefit of all Alabamians.

I want you to know I am grateful and I pledge to you my continued cooperation as the legislative-executive team works together to solve the problems which confront us.

Today, as you know, I have called you back into session to consider the problems facing us in the education field.

What happens in America today affects the lives of men everywhere. What remains of the free world leans upon our strength. We, as Americans, have a tremendous responsibility. Our nation is the bulwark of freedom in a divided world. We must protect that freedom.

We must strive to realize the full potential of our physical and spiritual resources.

It is generally accepted in America today that the education of our people is the greatest single challenge in a complex and changing society.

But this challenge is not new. These words are echoes of statements from the founding fathers, and from political and economic leaders since our nation was born.

The public school system, as we know it, was conceived in a frontier settlement over three centuries ago.

It is a major foundation on which our nation was built.

In the early days of our nation, it was learning, reason and faith in the people's ability to govern themselves that inspired the adventurous spirit which dared trust the future of an infant nation to the judgement of the many instead of to the dictates of a few.

The lives and fortunes of individual Americans, the nature of our institutions, the quality of our industry, commerce, and agriculture, the conservation and use of our natural resources, the nature of our law—the destiny of the nation itself depend on decisions rendered by all the people.

Thus, our public schools were created to inform all our citizens.

It was Jefferson who described the magnitude of the responsibility resting on public education when he said:

"If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be."

True enough, the frontiers of our forefathers have faded from the American scene.

But, there are newer—and greater frontiers—the frontiers of the infant nuclear-space age we live in.

We live among busy lanes of commerce—land—sea and air, mighty industries, complex networks of communication, productive farms, great hydroelectric plants—and yes, the harnessing of nuclear power.

These are the achievements of the graduates of the school systems of America. These are the achievements of a nation grounded in the belief of the supreme worth of the individual man, his dignity, his freedom, his capacity to meet the challenge of each new age.

We face today in America enemies of freedom. There are those in power in the Federal government who would destroy these freedoms and liberties we enjoy. And, hear me well, when our freedom and liberty is gone, our public school system is gone, also and so are state legislative bodies.

Attacks are being made on those of us in the South who believe in freedom of choice, who believe in the free enterprise system, who believe in locally controlled public education systems.

They would destroy our customs and traditions, and with it destroy the freedom of every American.

The fight we wage to preserve our school system is not just a Southern fight. It is a fight for the survival of our nation.

Two of the major goals of the Wallace Administration are the improvement of Alabama by strengthening education and by a vigorous program of industrial development.

There never has been a time in our history when education and business and industry were not inseparably linked. They are the twin pillars of a free society and of our free enterprise system.

The dynamism of the American economic system flows from the fact that it is free and competitive. We are free to enter the business of our choice—to survive or fail. With vast accumulation of new knowledge, the competitive pace has greatly accelerated. To maintain it, new skills, new products, new techniques and new generations of technicians are required.

This is where education comes in. It is the force that propels the vehicle of competitive enterprise. Education—particularly higher education—staffs the research laboratories, mans the machines, creates the desire for new and better products and organizes and coordinates the vast and intricate processes of production and distribution.

Recent break-throughs in scientific and technological discoveries have revolutionized modern employment patterns.

Simply stated, migration from farms, automation, and other advances have eliminated millions of jobs. At the same time, there has been an upgrading of educational requirements for new positions created by science.

Let us look at the young person in industry. There is already an astonishingly high rate of youth among those unemployed. Experts say that by 1970, some 26 million young people will need jobs. But, all the time, job opportunities may be decreasing because of technological advances.

The U. S. Department of Labor estimates that by 1970 we will need 13 million more jobs to keep up with labor force growth alone. Two million other jobs will be needed to offset technological strides by that time.

Thus, it can be seen, that education grows increasingly important. We **must**, I repeat, **Must** keep our young people in high schools, technical schools, colleges, and universities.

The challenge is clear to all levels of education.

Let me speak briefly on another point—closely related. There has been in recent years an explosion of knowledge.

In colonial days, the primary purpose of education was to teach a person to read his Bible. Later came writing and simple arithmetic, so he could keep records. The demands of the times came gradual—slow enough to permit full experimentation and evaluation.

But this is not the case today. Today we live in an age of rapid and complicated change. Our world today calls for an ever-widening variety of talents and skills.

Recently it was reported that the volume of the world's knowledge is doubling every 10 years—expanding so rapidly that no one can assimilate it all.

90 per cent of all the scientists who have ever lived in the entire history of the world live today.

More mathematics has been created since the beginning of the 20th century than in all the rest of history. This is the nuclear space age, with all its complexities.

Ninety per cent of all drugs prescribed by physicians today were not even known 10 years ago. Think of that!

According to experts, three fourths of all people working in industry in 1975 will be producing products that haven't even been invented or discovered yet. That's how rapidly the world is moving.

And experts also reckon that by the time today's high school student sees the year 2000—only 37 years away—he will probably have been retrained vocationally at least once or twice. This will be necessary because his former job training will have become obsolete.

Already, more than four million adults are engaged in educational activities offered by public schools. Many American school systems are now working with business, industry, and social agencies, providing retraining for men and women whose skills are no longer in demand.

This explosion of knowledge has implications on both cost and quality of education at all levels.

And now, we get closer to home. The third factor that places education in the position of Alabama's number one problem and opportunity is that of financial support.

We have found that we can afford to defend ourselves, regardless of the cost.

We have found that we can build highways, seaports, hydro-electric dams, airports, regardless of the cost.

Apparently we have decided we can afford to put a man on the moon.

It's high time, and I know that you agree with me, that we decide in Alabama that we can afford to give our children the best education available.

So we see the problems are many. The solutions are not easy. It will take the combined efforts of you, of educational leaders, of the executive branch and of all Alabamians to reach a solution which will mean so much to our most cherished possession—our children.

Our schools do not have sufficient financial support.

We are losing teachers to other states, to industry and to private business.

We face an onslaught by the Federal government designed to destroy our school systems, our social customs and traditions, and the freedom and liberty we should enjoy as American citizens.

Let us now consider some specific information about the state and its school systems.

In 1951-52, Alabama's total appropriation to education was some 81 million, 787 thousand dollars. In 1961-62, this appropriation had increased to over 137 million 994 thousand dollars, not including conditional appropriations.

In 1950-51 local receipts handled by custodians of school funds provided around 17 million, 592 thousand dollars for public elementary and secondary schools. In 1960-61, almost 37 million, 227 thousand dollars was provided.

Although the increase lacks far from being enough, there was an increase in teacher pay during the same period. It went from an average of \$2,531 in 1951-52 to \$3,989 in 1960-61.

And the increasing investments, like in a successful business, are returning visible dividends.

For instance, in 1951-52, there were 22,144 high school graduates in Alabama. The 1961-62 figure is 30,455.

In 1950, the average adult grade level was just under the eighth grade. By 1960, that figure had risen to slightly over the ninth grade. It's a slow climb, but we are going uphill.

And let's look at additional progress we are making. In 1950-51, the percentage of school age children in school was 86 percent. The 1960-61 figure is 94.7 per cent. So we are making forward strides in education.

In 1950-51, there were 57,206 students enrolled in public supported Alabama colleges. The 1960-61 figure is 64,000.

And education has paid off in other ways too. Per capita income in 1950-51 was \$989. In 1960-61, it was \$1,492. We are still behind. But we are at least headed in the right direction.

The evidence is great however, that in spite of our educational gains in recent years, there is an urgent and pressing need for a major break-through in the financial support of our schools at this time.

It is tragic that Alabama is losing teachers each year in great numbers to other states. Tragic indeed is the report which shows that Alabama this year ranks 47th among the states in teacher pay. And our salary average is \$1,896 below the national average.

Here too, we have lost ground in the past 10 years.

A decade ago, Alabama's annual average salary was less than \$1,000 below the national average.

The 1962-63 estimated average expenditure per pupil in daily school attendance in Alabama is \$255. Here we rank 48th. The national average is \$432.

This means it would require approximately 132 million, 750 thousand dollars to bring Alabama's expenditure per child to the national average.

Industry also attracts Alabama teachers. And why not? A recent release indicated that in 1960-61, Alabama's average annual teacher pay was \$3,860. At the same time, average salaries paid professional workers in industry ranged from almost eight thousand dollars for job analysts, to over 12 thousand dollars for attorneys.

Then, too, I remind you that in recent years state support of education has been reduced through proration and reduction of appropriations by more than 50 million dollars.

No business, no state service can survive under such poor and uncertain support. I submit to you my firm conviction that a major breakthrough in more adequate financing of education at all levels is an absolute must for Alabama.

Through the action of the Legislature at this special session and through subsequent action over the next four years, the Wallace Administration desires to raise support for education in Alabama to a competitive level both in the South and nationally.

We hope to make certain Alabama maintains this position in the years ahead through an expanded program of industrial development that will increase the prosperity of the state and assure the continued support needed for quality education.

It is my sincere feeling that an intensive and vigorous campaign of industrial development will assure Alabama of the economic growth, and subsequently of the necessary tax resources, that will eliminate forever the problem of proration. It will also enable Alabama to successfully compete for the best teachers, facilities and educational opportunities for our young people.

Since my election as governor I have traveled far and spoken often of the opportunity we have to build the economy and prosperity of Alabama through industrial development.

We have already made real progress. Hundreds of new jobs for our people will result from the nearly \$100 million in new expanded and planned improvements announced since my election.

New plants and expansions of existing industries have been reported from practically every part of the state. They will mean an unprecedented boost to state and community payrolls.

And they are just the beginning of a program which the Wallace Administration plans to push night and day over the next four years.

Why do we feel this program so important? A look at the economy of Alabama in recent years will answer that question.

From 1950 to 1960 employment in industries and occupations increased 24.6 per cent in the United States while the increase in Alabama was only 3.3 per cent.

In many counties there were actually decreases in this type of employment. The number of persons employed in agriculture, forestry and fisheries in Alabama decreased 58.9 per cent, more than twice the decrease for the nation.

Family income is a more direct measure of a state's wealth. The median family income in Alabama was \$3,937 in 1960 as compared to \$5,407 for the U. S. as a whole.

Stated another way, one-half of all families in Alabama has a total reported income of less than \$3,937. Four of every ten families in Alabama earned less than \$3,000 per year, twice as many proportionately as in the rest of the country.

As Dean Truman Pierce of the Auburn School of Education has pointed out, there is a direct relationship between family income in Alabama and the number of school years completed.

Four of the five top counties in Alabama, in terms of median grade completed in school by population, ranked in the top five counties in terms of median family income.

The six counties lowest in grades completed in school were also the six lowest in median family income.

I cite these facts and figures simply to underscore the fact that education and economic prosperity are inseparably linked. We must have more and better business and industrial development. We must have more and better education. Without the latter, we cannot achieve the former.

The close link of education to the economic development of a state can be clearly shown when the return on the investment in education is measured in dollars and cents. Of course, education has many values in addition to monetary gain, but let's just look at dollar and cent return alone.

As Dean Pierce recently wrote, high school graduates who complete four or more years of college, will on the average earn \$151,503 more than their classmates who do not finish college.

This is about \$37,000 of additional income for each year spent in college, or about \$200 for each day spent in college.

The college graduate will earn a quarter of a million dollars more than the person who completes less than eight years of elementary school. This amounts to about \$6,000 per year for each working year in a normal lifetime.

A high school education is worth \$65,800 more than an elementary school education for one who works from age 25 through 64. This is \$16,450 per year spent in high school, or about \$90 for each day spent in high school.

These figures show that the success of an individual depends heavily on how many years of school he completes successfully. No better investment is possible than the time and money spent in attending school.

This leads me to another reason why the Wallace Administration is dedicated to a major breakthrough for education. We feel the success of our industrial development program depends in large measure on the type of educational system we can show to prospective industries and business firms which consider Alabama for a new plant or an expansion program.

Special problems are being created by the Federal authorities in Washington in connection with the education of the children of parents who work on Federal installations in the State.

Approximately 26 Alabama cities and 31 county school systems have, or are receiving Federal funds under provisions of Public Law 874. The greatest impact of this program is centered around Huntsville, Mobile, Montgomery, Ozark and Anniston.

The children from the military installations have attended our public schools in the past. As far as I have been able to determine, they have been satisfied with school conditions. They have been outstanding students, good athletes, band members, and good campus citizens.

I have said to Federal authorities before and I say again today, why don't you let the people choose in a secret ballot the type schools they wish their children to attend. Give them a choice between a segregated public school which the State of Alabama will provide or an integrated school built on the base by the Federal Government.

Of course, you know and I know that the Federal authorities will not do any such thing.

They have burdened the people with Federal taxes. Then, they take our tax money, and threaten to refuse to return our rightful share of it unless we knuckle under to their dictates. They seek to impose their will by force and by violence if necessary.

The people of this state, and many other states, are tired of such practices because they know as you and I know, that this is a weapon the Federal authorities are using to destroy our segregated school system and to inflict on us a sorry system like we now have in Washington.

But, we are strong in our will, and in our determination. We can afford to educate our children as we have in the past, and that we will do.

And, let me emphasize, we are going to be fair to both races.

We are going to have good schools for whites, and we are going to have good schools for colored.

But they are going to be separated, as they have always been, and we must do whatever is necessary to insure this being done.

We cannot, we will not sell our souls at the point of black-mailing bayonets. It is our tax money, and we are entitled to it, as has been the custom since the inception of this nation, without any strings attached.

Funds were made available for the Southern states with the full recognition that we in the South do and must continue to operate segregated schools.

Federal funds allocated Alabama county and city school systems for operation in 1961-62 totaled over four million 349 thousand dollars. In 1960-61, the figure was over four million 812 thousand dollars. In 1959-60 the figure was above three million 503 thousand dollars.

Smaller amounts were given for capital outlay.

Federal officials now seem to be moving in two directions.

1. Cutting off funds unless schools are integrated.
2. Erection of school buildings on federal property for the operation of integrated schools.

Neither of these proposals is acceptable to our Southern way of life.

What the outcome of this action will be remains yet to be seen. Only time will tell.

Regardless of Federal action, schools will keep operating under our traditions and will continue to maintain present high standards.

This administration is dedicated to a major breakthrough in education.

Such a breakthrough is necessary if Alabama is to continue its economic cultural, social and political development.

We are equal to the task, working together we can find the support necessary to build the foundation on which we can build a school system second to none in these United States.

Many possible solutions will be proposed during this session.

I hope you will give each the fullest consideration.

From the hearings and discussions in which you will engage will emerge the proper path for us to follow.

At the appropriate time after full discussion, the executive branch will in cooperation with legislative leaders, make specific recommendations as to the appropriate sources of revenue necessary to begin the breakthrough which we have pledged in education.

I pledge to you my wholehearted cooperation.

The doors to my office are open to each of you and to our educational leaders as we study this most important problem.

Let's work together. Let's find the answer.

We owe no less to our children.

Thank you.

ALABAMA LAWS

and Joint Resolutions

SECOND SPECIAL SESSION, 1963

Act No. 1 H. J. R. 4—Goodwyn, Pierce, Goldthwaite, Little
HOUSE JOINT RESOLUTION

WHEREAS, the Fifteenth Annual Alabama Y.M.C.A. Youth Legislature is scheduled to be held here in the State Capitol, Montgomery, Alabama, beginning Thursday, March 21, 1963, and running through Saturday, March 23, 1963; and over 400 young people will be present; and

WHEREAS, the Y.M.C.A. Youth Legislature is a sound and proven educational approach to developing and training young people in our system of Democratic Government, by providing opportunities for them to study public issues, debate policies and participate in an actual mock legislative session; and

WHEREAS, the Alabama Legislature recognizes the value of this program and desires to cooperate with the Y.M.C.A. Youth Legislature by making the chambers of the House and Senate and Committee Rooms available to them, and such would not be possible if the House and Senate were in session during the Youth Legislature's Program;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two houses adjourn today, they adjourn to meet again on Thursday, March 21, 1963; and that they will adjourn on Thursday, March 21, 1963, prior to twelve noon; and when they adjourn on Thursday, March 21, 1963, they adjourn to meet again on Tuesday, March 26, 1963.

Approved March 25, 1963.

Time: 9:30 A. M.

Act No. 2 S. J. R. 3—Nichols, Adams, James
and Gilchrist

SENATE JOINT RESOLUTION

WHEREAS, the Honorable Orville L. Freeman, Secretary of Agriculture, has given due consideration to the cotton marketing situation to the end that the price of cotton for the 1963 crop would be equitable and fair to the farmer; and

WHEREAS, the Secretary has determined that the support price of cotton for the 1963 crop shall be the same as for the

1962 crop, thereby maintaining as adequately as it appears possible under present laws, the cotton farmer's income; and

WHEREAS, the Secretary of Agriculture has recommended to the Congress of the United States legislation which would (1) stimulate domestic consumption of cotton, (2) improve the competitive position of America's textile mills, (3) make it possible to eliminate the inequity of the two-price system, (4) make it possible to preserve and increase net farm income, and (5) reduce consumer costs on all cotton products; and

WHEREAS, this type of remedial and necessary legislation has been introduced upon the floor of the Congress by Alabama's two distinguished Senators, John Sparkman and Lister Hill; and

WHEREAS, every member of the Alabama delegation in the United States Congress has evidenced a desire to improve the lot of our entire cotton industry over the years; and

WHEREAS, the cotton industry, including farmers, ginner, the processors, and the textile mills, has been and still is the backbone of Alabama's economy directly employing more than one quarter million patriotic, dedicated and hard working Alabamians, with many thousands of others working to supply goods and services to this industry; and

WHEREAS, it is acknowledged that the welfare of all Alabamians is vitally affected by and to a great degree dependent upon a healthy, growing and prosperous cotton industry both on our farms and in our factories; and

WHEREAS, we believe the Secretary of Agriculture, Alabama's two Senators, John Sparkman and Lister Hill, Alabama's entire delegation in the Congress do individually, severally, separately and collectively share in a great concern for the future of the cotton industry in Alabama, both on the farms and in the factories.

NOW THEREFORE BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That:

SECTION 1. The Legislature of the State of Alabama commends the Secretary of Agriculture, Orville L. Freeman, for his action in setting the 1963 support price to the farmers at no less than 1962 levels.

SECTION 2. The Legislature of the State of Alabama commends Secretary Freeman, Senators John Sparkman and Lister Hill and every member of the Alabama Congressional delegation for the leadership they have evidenced toward remedial legislation for cotton which would eliminate the inequities of present laws, improve the competitive position of our textile mills, stimulate domestic consumption of cotton, reduce consumer costs of

cotton products and make it possible to preserve and increase net farm income.

SECTION 3. That a copy of this resolution be forwarded to the President of the United States, the Secretaries of Agriculture, Commerce, State, Labor, Treasury and to the Budget Bureau, and to each member of the Alabama Congressional delegation as well as each member of the Agriculture Committee of the United States Senate and Congress.

SECTION 4. That this resolution shall be in full force and effect from and after its ratification thence forward.

Approved April 1, 1963.
Time: 9:20 A. M.

Act No. 3

S. J. R. 5—Roberts

SENATE JOINT RESOLUTION

WHEREAS, the textile industry of the United States has been beset for years with a two-price system of cotton, a system whereby the Federal Government makes available to any foreign mill, American grown cotton at $8\frac{1}{2}\text{¢}$ per pound less than they will permit American mills to buy the same cotton, and

WHEREAS, the difference of \$42.50 per bale is paid by American taxpayers—a group which includes Alabama textile mills and Alabama textile people, and

WHEREAS, this two-price system means that all American mills must pay one-third more for American grown cotton than do their foreign counterparts.

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Alabama, the House of Representatives concurring, that we do hereby respectfully but earnestly urge the Congress of the United States to promptly review the present Federal two-price support program, with the view to provide the same assistance to American cotton mills as foreign mills now enjoy; it being our opinion that this action would bring domestic cotton to a competitive price level on world markets and also to a competitive level with synthetics in the home market, thereby avoiding the prospect of a situation that would ultimately, seriously, and perhaps permanently impair the whole economic structure of our country;

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States, to the Secretary of Agriculture, to each member of the Alabama delegation in the National Congress, to the Chairman of the Committee on Agriculture in each branch of the National Congress.

Approved April 1, 1963.
Time: 9:21 A. M.

Act No. 4

S. J. R. 6—Adams

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING: That an invitation is hereby cordially extended to Dr. Ed Henderson, Executive Secretary of the Florida Education Association to speak to a joint meeting of the two Houses of the Legislature on Friday, March 29 at 10 A. M., on a subject of his own choice.

Approved April 1, 1963.
Time: 9:22 A. M.

Act No. 5

H. J. R. 5—Bevill

HOUSE JOINT RESOLUTION

WHEREAS, Honorable Daniel J. Haughton, President of Lockheed Aircraft Corporation will be in Alabama on March 23, 1963, to address the Huntsville Industrial Expansion Committee; and,

WHEREAS, Daniel J. Haughton has contributed greatly to his country and its industrial growth and is one of Alabama's most distinguished sons on the American scene today, being a native of Walker County, Alabama; and,

WHEREAS, Lockheed Aircraft Corporation has exhibited its interest in the future industrial growth of the State of Alabama by purchasing land in Alabama for proposed space related industries; and,

WHEREAS, the State of Alabama and its citizens are justly proud of the accomplishments of this great Alabamian and are particularly interested in the location of part of the Lockheed operation in the State of Alabama. Now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Honorable Daniel J. Haughton be, and he is, hereby invited to address both houses of the Legislature of the State of Alabama, in joint session assembled, on Tuesday, March 26, 1963, at 12:30 o'clock P.M.

RESOLVED FURTHER, that a copy of this resolution be sent by the Clerk to Mr. Haughton.

Approved April 1, 1963.
Time: 9:23 A. M.

Act No. 6 H. J. R. 6—Hawkins, Bailes, Sessions, Collins, Rast, Vacca, Bowers, Morrow, Brown (Jefferson), Meeks, Perry

HOUSE JOINT RESOLUTION

WHEREAS, Code 1958, Title 36, Section 58(3) authorizes the Director of Public Safety and the Highway Director to vary speed limits on public highways, and in pursuance of such authority they have made and entered an order establishing a prima facie maximum speed limit on all interstate highways at 70 miles an hour during the hours of daylight and 60 miles an hour during the hours of night; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we approve this order as made and established, and request the Highway Director to cause these highways to be so posted and marked at the earliest possible time.

Approved April 1, 1963.
Time: 9:23 A. M.

Act No. 7 H. J. R. 7—Vacca, Collins, Bowers, Bailes, Goodwyn, Engel, Fite, Sessions, Meeks, Cantrell, Slate, Callahan, Moore, Burns, Meade, Bevill, Locke, Hawkins, Brown (Jefferson), Rast, Morrow, Gilmore, Drake, Perry

HOUSE JOINT RESOLUTION

WHEREAS, the tragic number of traffic fatalities, crippling injuries, and heavy property damage resulting from an ever increasing use and congestion of the state's roads and highways presents a problem of utmost gravity and urgency to the people of Alabama and one which by its nature requires comprehensive study and formulation of detailed plans for concerted action state wide in scope; and in the absence of a central agency of the state for planning, executing, coordinating programs throughout the state for the prevention of accidents and the loss of manpower and property due to accidents, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING THEREIN, That there shall be a committee, to be designated the "State Safety Coordinating Committee," composed of the governor as chairman thereof, the director of public safety, the director of the state highway department, two members of the Senate appointed by the president

of the Senate, and two members of the House appointed by the Speaker, the attorney general, the administrator of the state alcoholic beverage control board, the state toxicologist, and the chief justice of the Alabama supreme court.

The committee shall meet regularly upon call of the governor for the purpose of exploring every facet of the complex problem of traffic safety; to identify major highway and traffic problems; to formulate concrete plans of action to meet those needs; to establish a schedule of priorities for action; and to coordinate the separate programs adopted by traffic officials in all executive branches of state government, as well as those of county, and municipal governments, and those of civic, commercial, industrial, labor, fraternal, religious, educational, and national organizations in a major effort to promote all aspects of public safety.

The committee shall study specifically the problems of interstate and intrastate highway safety; the feasibility and advisability of the adoption of interstate highway safety compacts; the adoption of uniform laws and ordinances, uniform signs, signals and markings; the means of obtaining more uniform enforcement of traffic laws, the use of motor vehicle safety equipment; and the problem of engineering safety control in roads and highways.

The committee shall also from time to time make recommendations to the legislature for the enactment of laws designed to promote improvement in existing programs of highway safety and for the adoption of additional programs or measures as may be considered necessary and advisable to accomplish the objects of the committee.

Approved April 1, 1963.
Time: 9:24 A. M.

Act No. 8 H. J. R. 8—Turnham, Hannah, Callahan, Campbell (Tuscaloosa)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, THE SENATE CONCURRING: That an invitation is hereby cordially extended to Dr. Ed Henderson, Executive Secretary of the Florida Education Association to speak to a joint meeting of the two Houses of the Legislature on Tuesday, April 2 at 2 P.M., on a subject of his own choice.

Approved April 1, 1963.
Time: 9:25 A. M.

Act No. 9

H. J. R. 10—Engel, McDermott, Hogan,
Rogers, Branyon, Sullivan

HOUSE JOINT RESOLUTION

WHEREAS, The Honorable Jack Hankins, member of the Alabama State House of Representatives from Lamar County, has been hospitalized as a result of a heart attack on March 15, 1963; and

WHEREAS, Representative Hankins is now serving his fourth term as Lamar County Representative, having followed his late father's footsteps as a member of the Alabama Legislature; and

WHEREAS, throughout these many years of public service to his county and State he has served ably and with distinction; and

WHEREAS, throughout his many years as a member of the State House of Representatives he has endeared himself to his fellow members and to all those who have come to know him; and

WHEREAS, it is the fervent hope of the members of this Legislature that he will be restored to good health:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the members of the Legislature do hereby express their deep concern over the illness of Representative Hankins and extend to him their best wishes for a speedy recovery.

Approved April 1, 1963.

Time: 9:25 A. M.

Act No. 10

H. J. R. 11—Rast, Callahan, Rogers, Bailes, Morrow, Etheredge, Branyon, Brown (Tuscaloosa), Brown (Jefferson), Perry, Downing, Cornett, Daniel, Bevill, Hogan, McDermott, Campbell (Tuscaloosa), Bowers, Vacca, Jones (Covington), Sessions, Gilmore

HOUSE JOINT RESOLUTION

WHEREAS, the Saturday Evening Post, in an article entitled "The Story of A Football Fix," in its current issue, has accused the Athletic Director of the University of Alabama of grave misconduct which, if true, would reflect discredit upon the individual, the University, and all the people of the State,

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that a Joint Legisla-

tive Committee be appointed to investigate fully the circumstances surrounding the publication of this article, to determine whether there is any truth in the charges contained therein, or whether they are simply the products of a hostile attitude on the part of this publication toward the Athletic Director of the University of Alabama and the people of this State.

The committee shall consist of Seven members, three of whom shall be appointed by the President of the Senate and four shall be appointed by the Speaker of the House. The committee shall elect a chairman from among its members and employ such assistants, including a court reporter, as it may consider necessary to carry out its purpose. The Attorney General is requested to provide the committee with such investigative assistance and counsel as may be needed.

Upon completion of its investigations the committee shall report its findings and conclusions to the Governor and to the House and Senate.

Approved April 1, 1963.

Time: 9:26 A. M.

Act No. 11

H. J. R. 13—Turnham

HOUSE JOINT RESOLUTION

WHEREAS, Doctor Malcolm C. McMillan, distinguished Research Professor of History at Auburn University and the author of numerous historical works, recently authored *The Alabama Confederate Reader* which has received widespread acclaim as being a most interesting and vivid account of the events that caused the most significant economic, social, and political change in the State's history; and

WHEREAS, Doctor McMillan, through this excellent book, has brought about a deeper understanding and greater interest in the Civil War period, and especially about the part that Alabama had in that epoch-making period; and

WHEREAS, his accomplishments in the field of history are cause for great pride on the part of Alabama, Doctor McMillan's native state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer special praise and extend our sincere appreciation to this outstanding Alabamian for the contributions that he has made to this State.

RESOLVED FURTHER, That all Alabamians are urged to read *The Alabama Confederate Reader* toward the end that all

may better appreciate the part played by Alabama and its citizens in the Civil War era.

RESOLVED FURTHER, That the Clerk of the House be directed to send an enrolled copy of this resolution to Doctor McMillan at Auburn and that copies be furnished to members of the capitol press corps, the president of Auburn University and head of History Department of Auburn University.

Approved April 1, 1963.

Time: 9:27 A. M.

Act No. 12

S. J. R. 9—Nichols

SENATE JOINT RESOLUTION

WHEREAS, the South and Alabama has suffered a grievous loss in the death of one of its most illustrious sons, the late Hugh Moss Comer, on September 18, 1962; and

WHEREAS, Mr. Comer, known affectionately as "Mr. Hugh" to a host of devoted friends, came from an outstanding family which contributed greatly to the economic and political life of Alabama; his father, the late B. B. Comer, was a distinguished Governor of Alabama; and

WHEREAS, Mr. Comer continued the spirit and traditions which characterize the Comer family; he was a major industrial and civic benefactor, having made the Avondale Mills a trademark of progress the world over; he gave freely not only of his wealth but also of himself in tasks which required individual effort; and

WHEREAS, the sterling character of Mr. Comer, coupled with his superb record of Christian service and humanitarian activities, endeared him to the hearts of all who knew him;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with profound regret the passing of Mr. Comer and pay this tribute to the memory of a great industrialist, philanthropist, civic leader and Christian patriot. We mourn his death and extend sympathy to his widow and family.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to send a copy of this resolution to Mrs. Hugh M. Comer at Birmingham, Alabama.

Approved April 1, 1963.

Time: 9:26 A. M.

Act No. 13

H. J. R. 16—Campbell (Tuscaloosa),
Brown (Tuscaloosa)

HOUSE JOINT RESOLUTION

WHEREAS, at the State Debate Tournament, held by the Alabama High School Forensic League, at the University of Alabama on March 21 and 22nd, sponsored by the Department of Speech and the Extension Division of the University of Alabama, Nancy Callahan, representing Holt High School in Tuscaloosa County Alabama, was declared by the judges as the top point scorer in Class "A" of all the students entered, and

WHEREAS, This 16 year old 10th grade student was awarded a one year scholarship at the University of Alabama; and

WHEREAS, this is a rare and spectacular accomplishment for a first year debater,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That this Legislature does congratulate Miss Callahan on her outstanding accomplishment and does wish for her continued success;

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Miss Callahan and a copy to her speech teacher Mr. James N. Moseley at the Holt High School.

Approved April 1, 1963.

Time: 9:28 A. M.

Act No. 14

H. J. R. 17—Callahan, Campbell and
Brown (Tuscaloosa)

HOUSE JOINT RESOLUTION

WHEREAS, at a session of the Youth Legislature held in Montgomery, Alabama on Thursday, Friday and Saturday, March 21, 22nd and 23rd, 1963, Bill Shamblin of Tuscaloosa County High School, Northport, Alabama, was elected Youth Governor of Alabama; and

WHEREAS, This young man typifies all that is good and honorable in young southern manhood; and

WHEREAS, young Shamblin exemplifies those rare qualities of courage, honesty and statesmanship so necessary in public life;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCUR-

RING That this Legislature does congratulate young Bill Shamblin upon his accomplishment, and does wish for him great success in his future life.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Bill Shamblin and that a copy be sent to the Tuscaloosa County High School.

Approved April 1, 1963.

Time: 9:28 A. M.

Act No. 15

S. J. R. 7—Hammond and Meade

SENATE JOINT RESOLUTION

WHEREAS the Honorable John Garrett of Cherokee County has distinguished himself in public service and has brought great credit to his County's government by serving four terms as a county commissioner and two terms as chairman of the board of revenue; now therefore, to honor this much esteemed public servant, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the bridge in the City of Centre, Cherokee County, on Highways 71 and 19 shall be designated and known as JOHN H. GARRETT BRIDGE.

RESOLVED FURTHER, that the Secretary be directed to send a copy of this resolution to Mr. Garrett.

Approved April 5, 1963.

Time: 9:26 A. M.

Act No. 16

S. J. R. 10—McCain and Hornsby

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we have learned with regret of the current illness of Miss Bobbie Jo Wallace, the vivacious and attractive daughter of Governor Wallace, and hereby extend to her and to Governor and Mrs. Wallace our earnest hopes for her speedy and complete recovery.

Approved April 5, 1963.

Time: 10:10 A. M.

Act No. 17

S. J. R. 11—The Entire Senate and the
Lieutenant Governor

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the members of the Legislature have learned with deep regret of the death of Mrs. Betty C. Givhan, the mother of the esteemed dean of the Senate, and we do hereby, collectively and individually, extend our sincere sympathy to Senator Walter C. Givhan and the members of his family in this hour of sorrow.

BE IT FURTHER RESOLVED, That a committee composed of five members from the Senate and five members from the House of Representatives be appointed by the Lieutenant-Governor and the speaker of the House, respectively, to represent the Legislature of Alabama at Mrs. Givhan's funeral, which will take place on Wednesday afternoon, and to convey this message.

Approved April 5, 1963.

Time: 5:05 P. M.

Act No. 18

H. J. R. 18—Turnham

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That a committee of three members of each house be named to wait upon the Lt. Governor and escort him to the House Chamber where he will introduce Dr. Ed Henderson, who has been invited to address a joint session of the two houses today.

Approved April 8, 1963.

Time: 4:40 P. M.

Act No. 19

H. J. R. 20—Edwards (Escambia)

HOUSE JOINT RESOLUTION

WHEREAS, Mr. F. A. Rew retired as County Agent of Escambia County on March 31 after seventeen years service to the county and forty-five years devoted to agricultural development, and

WHEREAS, through his ability, diligence, and devotion to his work he has led Escambia County to unprecedented progress in the field of agriculture, and as a result of his capable leadership the crop and livestock production has doubled and the total farm income increased to \$15,000,000; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature hereby salutes Mr. F. A. Rew for his dedicated service to Escambia County and the State, we pay tribute to his significant and lasting contributions to agricultural development, and extend to him our sincere best wishes upon his retirement.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Mr. Rew.

Approved April 8, 1963.

Time: 4:41 P. M.

Act No. 20

S. 13—Brannan

AN ACT

To enable State Banks operating under the general laws of the State of Alabama in Baldwin County, Alabama, with the approval of the Superintendent of Banks of the State of Alabama, to establish one or more branch offices in said County.

Be It Enacted by the Legislature of Alabama:

Section 1: Any State Bank in Baldwin County, Alabama, created and operating under the authority of Title 5 of the 1940 Code of Alabama as amended, may, with the approval of the Superintendent of Banks of the State of Alabama, create, establish, open, operate and maintain one or more branch offices in Baldwin County, Alabama.

Section 2: All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 11, 1963.

Time: 11:10 A. M.

Act No. 21

S. 12—Brannan

AN ACT

To enable State Chartered Savings and Loan Associations operating under the general laws of the State of Alabama in Baldwin County, Alabama, with the approval of the Savings and Loan Commissioner, to establish one or more branch offices in said County.

Be It Enacted by the Legislature of Alabama:

Section 1: Any Savings and Loan Association in Baldwin County, Alabama, created and operating under the authority of

Chapter 11, Title 5, 1940 Code of Alabama as amended, may, with the approval of the Savings and Loan Commissioner of the State of Alabama, create, establish, open, operate and maintain one or more branch offices in Baldwin County, Alabama.

Section 2: All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 12, 1963.

Time: 11:50 A. M.

Act No. 22

S. 15—Robison (Montgomery)

AN ACT

To provide additional compensation or salary for the Official Court Reporters in all Circuit Courts in all counties of the State of Alabama having a population of not less than 150,000 nor more than 300,000 inhabitants according to the last preceding or any subsequent federal decennial census; and providing for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Official Court Reporters in all counties in Alabama having a population of not less than 150,000 nor more than 300,000 inhabitants according to the last preceding or any subsequent federal decennial census appointed and holding office under the provisions of law applicable thereto shall, in addition to the salary fixed and provided to be paid to the said Court Reporters under the provisions of Act No. 294, H. 212 (Acts of Alabama 1957, p. 376), receive as additional salary or compensation the sum of Twelve Hundred Dollars per annum which shall be payable in monthly installments by such counties out of their General Fund.

Section 2. No provision of this Act shall be construed as altering, amending or repealing Act No. 294, H. 212 (Acts of Alabama 1957, p. 376), except as herein specifically provided, but otherwise all laws or parts of laws, general, special, or local, which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1963.

Time: 4:55 P. M.

Act No. 23

S. 2—Carter

AN ACT

To authorize the holding of Court in Marshall County as to Guntersville cases at the Albertville Courthouse, when the Guntersville Courthouse is damaged or destroyed or is undergoing repair, renovation or enlargement so as to interfere with the sittings of the courts therein, and for the holding of court in Marshall County as to Albertville cases at the Guntersville Courthouse when the Albertville Courthouse is damaged or destroyed or is undergoing repair, renovation or enlargement so as to interfere with the sittings of the courts therein, to provide that the provisions of this Act shall be cumulative to Title 12, Section 187 of the Code, and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. At anytime when the Guntersville Courthouse in Marshall County is damaged or destroyed or is undergoing repair, renovation or enlargement so as to interfere with the sittings of the courts therein, in the discretion of the presiding judge of the respective courts, such courts, as to cases in the Guntersville Division of such courts, may sit at the Albertville Courthouse; and, in such event, no objection, motion or plea shall be well taken that any such case, civil, criminal, probate, or equity, is to be tried, is being tried, or has been tried, at the Albertville Courthouse instead of the Guntersville Courthouse.

Section 2. At anytime when the Albertville Courthouse in Marshall County is damaged or destroyed or is undergoing repair, renovation or enlargement so as to interfere with the sittings of the courts therein, in the discretion of the presiding judge of the respective courts, such courts, as to cases in the Albertville Division of such courts, may sit at the Guntersville Courthouse; and, in such event, no objection, motion, or plea shall be well taken that any such case, civil or criminal, is to be tried, is being tried, or has been tried, at the Guntersville Courthouse instead of the Albertville Courthouse.

Section 3. The provisions of this Act are cumulative with the provisions of Title 12, Section 187 of the Code of Alabama.

Section 4. This Act shall be effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved April 16, 1963.

Time: 1:05 P. M.

Act No. 24

S. 10—Cooper

AN ACT

To regulate the compensation of the chief deputy sheriff of Wilcox County.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy sheriff of Wilcox County shall be entitled to receive a salary of not less than \$2,400 nor more than \$6,000 per annum, to be fixed by the court of county commissioners, board of revenue, or other like governing body of the county. The salary shall be payable in 12 equal monthly installments from any funds in the county treasury as authorized by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1963.

Time: 1:06 P. M.

Act No. 25

S. 21—Tyson, Metcalf and Evans

AN ACT

Relating to conservation, amending Code 1940, Title 8, Section 131, in relation to the taking of undersized oysters from certain public reefs.

Be It Enacted by the Legislature of Alabama:

Section 131 of Title 8, Code of Alabama, as amended, is amended further to read as follows:

"Section 131. All oysters taken from the public reefs of this state shall be culled upon their natural reefs or beds as taken and all oysters which measure less than 3 inches in length and all dead shells shall be immediately replaced and scattered and broadcast upon the natural reefs or beds from which they have been taken, and it shall be unlawful for any captain or person in charge of any vessel or any canner, packer, commission man, dealer, or other person to purchase, sell or have in his possession or under his control any oysters off the public reefs or bedding grounds not culled according to the provisions of this title, or any oysters from such reefs or bedding grounds under the legal size aforesaid. Any excess of over five per cent of dead shells and oysters under the size prescribed herein shall be considered a violation of this section, and in order that the inspector may arrive at the percentage of uncultured oysters he shall cause to be culled according to law all or any part of cargo or stock on hand, and if the cargo or stock on hand is found to contain more than five per cent of dead shells and oysters under 3 inches in length, the inspector shall condemn said cargo and stock on hand and cause the same to be re-culled and cause the shells and young oysters to be taken to some place designated by an agent of the division of seafoods: Provided, however, that the director of conservation shall have the authority by duly promulgated regulations to reduce the legal measure of oysters to be culled

to a length of not less than two and five-eighths inches, with an allowance of not more than five per cent for under-sized oysters, and not more than five per cent for dead shells, when the said director so deems the said reductions expedient or necessary; and provided further, the director may in his discretion designate certain public reefs as to which an allowance of not more than twenty-five per cent for under-sized oysters may be provided from January 1 through May 31 in each year. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction for his first offense shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars; and upon his second conviction thereof he shall be punished by a fine of not less than one hundred dollars nor more than one hundred fifty dollars; and upon conviction of a third offense thereof shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars and the revocation of his license."

Approved April 12, 1963.

Time: 9:25 A. M.

Act No. 26

H. 19—Branyon

AN ACT

Providing for the appointment of clerical assistants by certain officers of Fayette County, fixing their compensation and providing for payment thereof from the general funds of the county; superseding and repealing Act No. 609, S. 633, Regular Session 1949 (Acts 1949, p. 940).

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and the tax collector of Fayette County may each appoint a clerk to assist him in the performance of the duties of his office. Each clerk so appointed shall be entitled to receive a salary of \$100 a month payable from the general funds of the county. The clerk of the tax assessor shall be employed full time, but the clerk of the tax collector shall be employed and paid for seven months in each calendar year and no more.

Section 2. Act No. 609, S. 633, Regular Session 1949 (Acts 1949, p. 940), an act authorizing the appointment of clerks for the tax assessor and tax collector of Fayette County, is superseded by this Act and is hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved April 16, 1963.

Time: 2:45 P. M.

Act No. 27

H. 20—Branyon

AN ACT

To abolish the County Court of Fayette County created and established by an act approved June 29, 1951, and reestablish the county court of said county in accordance with the provisions of the general laws of the State embodied in Title 13, Chapter 6, Code of Alabama 1940; defining the jurisdiction of such court, providing for a judge and other officers of the court and prescribing their powers, authority, duties, and compensation; repealing Act No. 172, H. 515, Reg. Sess. 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Fayette County shall be the judge of the county court, and shall, before he enters on the discharge of the duties of his office, take and subscribe the oath prescribed by law for other judicial officers, and further swear that he will faithfully report to the court of county commissioners, board of revenue, or like governing body of the county, a just and true statement of the services performed by him for which he is entitled to fees, which oaths must be filed in the office of the clerk of the circuit court.

Section 2. There shall be paid out of the Fayette County treasury to the judge of the county court an annual salary in equal monthly installments in accordance with Section 314, Title 13, Code of Alabama 1940. Such salary shall be in lieu of all fees or compensation allowed by law to such county court or judge for services rendered in and about such county court. The payment of such salary shall be made by warrant of the judge drawn on the treasury of the county.

Section 3. The clerk of the circuit court of Fayette County shall be ex officio clerk of the county court.

Section 4. The fees and compensation of the circuit clerk for his duties as clerk of the county court shall be the same as allowed by law to the clerk of the circuit court in criminal cases, and shall be paid in like manner.

Section 5. The clerk of the circuit court of Fayette County, before entering upon the performance of his duties of clerk of the county court, must give bond as required by law.

Section 6. The terms of the county court shall be attended by the sheriff or deputy sheriff; and, in their absence, some suitable person shall be appointed by the court to act in their stead, whose compensation shall be two dollars a day, to be paid out of the county treasury.

Section 7. The county court shall have original jurisdiction, concurrent with the circuit court, of all misdemeanors committed in Fayette County.

Section 8. The county court shall be held on the first Monday of every month, or on such other day of every month as the judge of said court may designate, at the courthouse, and may continue until the business of the court is disposed of.

Section 9. If the judge of the county court neglects or fails to hold any regular term of such court, or absents himself before the business of such court is disposed of, he shall forfeit to the county the sum of twenty-five dollars for each day he is thus absent or fails to attend, to be recovered of him and the sureties on his official bond, on five days' notice, in the circuit court, upon motion by the solicitor in the name of the county; but such recovery cannot be had if such failure to attend or absence was on account of sickness of the judge or his family, or inevitable accident, or of an epidemic, or of contagious disease, or well-grounded apprehension thereof.

Section 10. The county court shall be open, at the discretion of the judge, any day during the week, except Sunday, for the trial of offenses coming within the jurisdiction of the court, in all cases where the party or parties charged cannot give bond and security for their appearance at the regular terms of said court, or desire an immediate trial; and, in such cases, causes may be continued for good cause shown under the regulations governing the continuances of causes in justice courts; but nothing herein contained shall be so construed as to prevent or interfere with the regular term of the county court.

Section 11. All trials or prosecutions instituted in the county court shall be begun upon affidavit and warrant as provided by law, and shall be tried by the judge of the court without a jury, and the judge shall determine both the law and the facts; and in cases of conviction the defendant shall have the right to appeal to the circuit court, and a jury trial may there be had on demand of the defendant as prescribed by law.

Section 12. A party aggrieved, or desiring to bring a charge of misdemeanor before the county court, may apply to the judge thereof, or to some justice of the peace of the county, for a warrant of arrest, and, upon making affidavit in writing that he has probable cause for believing, and does believe, that an offense has been committed in said county, then the judge of said court or justice of the peace shall examine the affiant under oath, and other witnesses, if he so desires, touching the offense charged in the affidavit, and if the court or justice of the peace has probable cause for believing that the offense alleged in the affidavit has been committed, he shall issue his warrant of arrest.

Section 13. The warrants of arrest issued by the county court shall be substantially in the form prescribed by Section 328, Title 13, Code of Alabama 1940. The sheriff or any constable of the

county may execute warrants of arrest, and bring the defendants before the court; and may also summons the witnesses and serve all other process.

Section 14. Justice shall be speedily administered in the county court. If the accused and prosecutor are present before the court, or if the accused is present and the prosecutor has notice by having sued out the warrant of arrest, or otherwise, then the case stands for trial, and may be disposed of; but, for good cause shown, the case may be continued.

Section 15. If the county court is not in session when the defendant is brought before the judge thereof, or if the case should be continued for trial at a subsequent time, the defendant may be admitted to bail, on his entering into bond with sufficient sureties, in such sum as the judge of the court may prescribe. Such bond may be in substantially the same form as prescribed in Section 331, Title 13, Code of Alabama 1940. The judge of the county court must, when he issues his warrant of arrest, endorse on the same the amount for which defendant may give bail; and in such cases the arresting officer must admit the defendant to bail, on his entering into bond, as provided in this section, approved by the arresting officer.

Section 16. The judge or clerk of the county court, or any justice of the peace of the county may issue subpoenas for witnesses, at the instance of the prosecutor or defendant; and it is the duty of the arresting officer, the sheriff, or any constable, to whom they are delivered, to execute and return them to the court. Subpoenas shall be substantially in the form prescribed by Section 334, Title 13, Code of Alabama 1940.

Section 17. If the defendant fails to appear as required by his bond, the court shall enter a forfeiture against him and his sureties, which shall be in the form prescribed by Section 335, Title 13, Code of Alabama 1940. And the judge or clerk of the court shall thereupon issue a notice to the defendant, and cause it, together with a copy of the conditional judgment rendered, to be served on the defendant, or to be left at his last known place of residence or habitation in the county, three days before the next term of court, which notice shall be in the form prescribed in Section 336, Title 13, Code of Alabama 1940. If the defendant, on being thus notified, fails to appear, or appears but fails to show a satisfactory excuse for his default, and no sufficient cause is shown for a continuance of the case, the court shall render a final judgment, which shall be in the form prescribed by Section 337, Title 13, Code of Alabama 1940. If the defendant appears and submits to trial, the court may release him and his sureties from any part of the forfeiture which seems just; in which case the following should be added to the judgment entry: "But the

court releases the defendant from..... dollars of said judgment."

Section 18. If after being summoned a witness fails to appear and testify as commanded, a conditional judgment may be rendered against him; if a state witness, in favor of the state, for the use of the county; if defendant's witness, in favor of such defendant; and in such cases, the proceedings may in all material respects be made to conform to those governing forfeitures on bail bonds. The penalty for non-attendance by witnesses in the court is fifty dollars, and the judgment must be entered for that amount.

Section 19. When a forfeiture has been taken against a defendant and the sureties on his bail bond, it shall be the duty of the court to issue another warrant of arrest against the defendant, upon which the same proceeding shall be had as upon the original warrant; and when a forfeiture has been entered against a witness for non-attendance another subpoena may be issued for him, upon which the same proceedings may be had as upon the original subpoena.

Section 20. When brought before the county court for trial, the accused, if he demands it, must be furnished with a copy of the accusation, as contained in the warrant of arrest. Upon conviction, the judge shall award the punishment which the character of the offense demands, and no statement of the offense need be made other than that contained in the affidavit and warrant of arrest. The judgment in case of conviction shall be in the form prescribed by Section 343, Title 13, Code of Alabama 1940. If the defendant is acquitted, the judgment entry must be that the defendant is discharged.

Section 21. If a prosecution in the county court appears to the court to be malicious or frivolous, the court shall tax the prosecutor with the cost, in which case the judgment entry shall be in the form prescribed by Section 345, Title 13, Code of Alabama 1940.

Section 22. It shall be no objection to the proceedings of the county court, either in that court or elsewhere, that they are imperfect or inaccurate; and when its proceedings are reviewed on appeal or certiorari, all amendable errors shall be regarded as amended, so as to present only the substantial inquiry of the guilt or innocence of the accused.

Section 23. The solicitor or other person prosecuting for the state shall have the right to amend any or all the papers in cases in the county court in the same manner as prescribed in Section 347, Title 13, Code of Alabama 1940.

Section 24. An execution issued from the county court shall be made returnable to such court within six months after the rendition of the judgment upon which the same is issued, and six months shall intervene between the issue and return of any subsequent execution from such court.

Section 25. In all cases of conviction in the county court, the defendant shall have the right of appeal to the circuit court of the county, on entering into bond, with sufficient surety, to appear at the session of the court to which the appeal is taken, and from session to session until discharged, the bond to be in such penalty as the judge of the county court may prescribe, and to be approved by him. If the defendant does not make the bond required, he shall remain in custody.

Section 26. On the effective date of this Act the unfinished business of the County Court of Fayette County created by the Act of June 29, 1951, and the records of such court shall be transferred to the court established by this Act, except that all civil cases and the records thereunto appertaining shall be transferred to the circuit court of Fayette County and proceed as though the same had been commenced therein, and all juvenile and non-support cases shall likewise be transferred to the probate court.

Section 27. Act No. 172, H. 515, approved June 29, 1951 (Acts 1950-1951, vol. I, pp. 406-409) and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 28. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. This Act shall become effective on the first of the month next following the date of its enactment.

Approved April 16, 1963.
Time: 2:46 P. M.

Act No. 28

H. 21—Branyon

AN ACT

To provide for and require reidentification of the registered electors of Fayette County; imposing duties upon the board of registrars and other county officers, and upon the electors whose names appear on lists of qualified voters, prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The registered electors of Fayette County whose names appeared on the published list of qualified voters at the last general election for state or county officers shall each re-

identify himself or herself as provided in this Act before January 1, 1965, for the names of all those who fail, neglect, or refuse to do so shall be omitted from the lists published thereafter.

Section 2. (a) A voter may reidentify himself by appearing in person before the board of registrars or the judge of probate or one of the duly authorized clerks of the board or judge and answering such questions and submitting such proof as may be set forth hereinafter to establish his identity and place of legal residence.

(b) A voter may reidentify himself at any election at which he votes before January 1, 1965, by answering and signing the questionnaire form provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who shall also sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) The board of registrars or its duly authorized clerk may visit every precinct in the county for the purpose of reidentifying voters, and a voter may reidentify himself by appearing in person before the board or its clerk in any such precinct and answering such questions as are set forth in the questionnaire form hereinafter prescribed. Due notice of a visit to a precinct for the purpose of reidentifying voters shall be given by publication in a newspaper of general circulation in the county for at least twenty days in advance of the visit, and by posting a copy of the notice in at least three public places in the precinct for the same length of time. The board of registrars and its clerk shall be allowed no more than 30 days in excess of any maximum number of meeting days now provided by law for the purpose of reidentifying voters. The board or clerk shall be entitled to the same per diem allowances for the extra meetings as they are entitled to receive for regular meetings.

(d) A voter who is on active duty in the armed forces of the United States or the spouse of a member of the armed forces on active duty, or any qualified elector of the county who is confined to a hospital other than a hospital for mental patients or any physically incapacitated person, who under the general laws of Alabama is qualified to vote absentee ballots, may also reidentify himself or herself by filling in and mailing to the judge of probate the completed answers to such questions as are set forth in the questionnaire form hereinafter prescribed. The voter's signature to such questionnaire must be witnessed by a commissioned officer of the branch of the armed forces to which the voter is assigned, in the case of a qualified elector on active duty in the armed forces, and by a licensed practicing physician in attendance on any physically incapacitated person who may be qualified to vote absentee ballot.

Section 3. The questionnaire form which shall be executed by each voter shall be substantially as follows:

Voter Reidentification Questionnaire
Fayette County

Name of registered elector. (If elector is a married woman, she must give the full name of her husband and her own maiden name.)

_____, _____
(Last Name) (First Name) (Middle Name)
Permanent residence address in _____ County:
(Street or route) _____
(City, town, or community) _____
(Post office address if different from above.) _____

(City, county, state or country)
Date of birth: _____
(Month) (Day) (Year)

Place of birth: _____
(City, County, State)

Sex: Male () Female ()

Race or color: _____

Voting place: _____
(Give location of polling place where you voted in the county the last time you voted in person.)

I declare under penalties of perjury that I have executed this questionnaire form to the best of my ability, and to the best of my knowledge and belief the information stated herein is true, correct and complete; also, that I have not been disqualified from voting under the laws of Alabama.

(Signature of voter)

Date: _____

Attest:

(Signature of witness)

(Title of witness)

Section 4. After December 31, 1964, the board of registrars and judge of probate of Fayette County shall omit or remove from the lists of qualified voters of the county the names of all registered electors who do not reidentify themselves as required in this Act. However, no person whose name is so removed or omitted from the lists of qualified voters shall be by that fact alone disqualified from voting in the county, nor shall he be required to re-register. But proof of his or her qualifications to vote must be made before he or she is allowed to vote at any election.

Section 5. The governing body of Fayette County shall provide the board of registrars and the judge of probate the supplies, printed forms, advertisements, equipment and clerical help necessary for reidentification of voters in the county as required by this Act.

Section 6. Whoever willfully makes a false statement in executing a voter reidentification questionnaire form is guilty of perjury, and upon conviction shall be punished by imprisonment for not less than one year nor more than five years.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1963.

Time: 2:47 P. M.

Act No. 29

S. 23—Eddins

AN ACT

Relating to Marengo County, regulating further the insuring of certain public school buildings in the county, together with the equipment, furniture, fixtures, and other property of such buildings.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Education of Marengo County shall have the authority and is hereby authorized to insure any public school building within its jurisdiction and under its control which may be owned by the state or county or any city in the county, together with the equipment, furniture, fixtures and other property in any such building, for the insurable value thereof, with insurance companies of its own choosing and shall not be required to insure such property by or through either the State Insurance Fund or the State Department of Finance, any provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law on April 17, 1963 under Section 125 of the Constitution, without approval of the Governor.

Act No. 30 H. J. R. 22—Campbell (Tuscaloosa), Callahan,
Brown (Tuscaloosa)

HOUSE JOINT RESOLUTION

WHEREAS, Eugene C. Beatty, a lifelong citizen of Tuscaloosa and member of a pioneer Alabama family, has recently retired at the age of seventy-five years; and

WHEREAS, Mr. Beatty was for almost forty years the building superintendent of the Merchants Bank Building and its successor, The First National Bank Building, in Tuscaloosa; and

WHEREAS, Mr. Beatty's habit of friendly greeting to friends and patrons as "Cuz" has endeared him to many thousands of University of Alabama students, faculty, and other citizens of Alabama who have found in him an ever present and cheerful helping hand; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING: That we hereby extend to Eugene C. "Cuz" Beatty heartiest congratulations, and extend our best wishes for many pleasant years of retirement.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Mr. Beatty.

Approved April 16, 1963.

Time: 7:35 P. M.

Act No. 31

H. J. R. 24—Bevill

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the two houses meet in joint session at 10:30 o'clock today for the purpose of viewing the very interesting and instructive film entitled "Oxford, U. S. A.," produced by Mr. Pat Sims of Dallas, Texas.

Approved April 16, 1963.

Time: 7:26 P. M.

Act No. 32

H. J. R. 25—Goodwyn, McDermott, Pierce,
Goldthwaite, Little

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we join the myriads of her friends and admirers in mourning the sudden death of the lovely Rose Gunter Lawson. As the daughter of the late W. A.

Gunter, a longtime and beloved mayor of Montgomery and the wife of Justice Thomas S. Lawson of the Alabama Supreme Court, she for many years most gracefully filled a very special place in the social, civic and political life of the City of Montgomery and the State of Alabama. Her amiable and gracious manner and charming personality won for her the lasting affection of all who had the privilege of knowing her.

BE IT FURTHER RESOLVED That we hereby extend our heartfelt sympathy to her husband, son, daughter, brother and sisters in their great loss.

Also resolved that the Clerk of the House of Representatives send a copy of this resolution to Justice Thomas S. Lawson, Mr. Thomas S. Lawson, Jr., Miss Jule Gunter Lawson and Dr. W. A. Gunter.

Approved April 16, 1963.

Time: 7:27 P. M.

Act No. 33

H. J. R. 26—Barnett

HOUSE JOINT RESOLUTION

WHEREAS, the U. S. Department of Interior awarded contracts on March 11 for the drilling of two new wells at the Marion National Fish Hatchery and Southern Fish Cultural Laboratory near Marion to supply domestic water to existing facilities and buildings and to the new laboratory-office building under construction, and for supplying water for research; and

WHEREAS, the size and kind of wells called for in the contracts will perhaps result in drying up other artesian wells which supply water for farmers and livestock ranchers in the area; and

WHEREAS, an adequate water supply is available to the U. S. Department of Interior for the facilities above mentioned in the Cahaba River, which is nearby; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the U. S. Department of Interior to stay any drilling activities under the aforesaid contracts until such time as a complete study can be made of the water supplies in the area by the State Geologist of Alabama and the State Department of Conservation; and that the Department of Interior adopt such measures as may be necessary to assure farmers and ranchers in the area that no action will be taken in the future by the Department which will diminish their water supply.

RESOLVED FURTHER, that copies of this resolution be sent to the Secretary of the U. S. Department of Interior, to the Hon.

Armistead Selden, Representative in Congress, to each U. S. Senator from Alabama, and to the chief executive officer of the Marion Station operated by the Bureau of Sport Fisheries and Wildlife.

Approved April 16, 1963.

Time: 7:28 P. M.

Act No. 34

H. 1—Paulk

AN ACT

Regulating further the office of sheriff of Bullock County; authorizing the county governing body, in its discretion, to appropriate county funds for the payment of salaries of additional special deputy sheriffs; prescribing the minimum and maximum rate of the salaries of such deputies and the manner of payment thereof; authorizing the sheriff to appoint such deputies, fix the rate of their salaries and require them to be bonded; repealing Act No. 21, H. 2 of the First Special Session of 1956; and providing that certain provisions of this Act shall have retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or other like governing body of Bullock County may, in its discretion, appropriate county funds for the purpose of paying the salaries of two deputy sheriffs in addition to the chief deputy provided for by law, and may direct that such salaries be payable, in whole or in part, out of the county public highway and traffic fund or the general fund of the county.

Section 2. If the court of county commissioners, board of revenue or other like governing body of Bullock County makes an appropriation for the payment from county funds of the salaries of two additional special deputies for the sheriff, as authorized in Section 1 hereof, the sheriff may appoint two special deputies in addition to the chief deputy provided for by law. Each special deputy appointed under authority of this Act shall serve at the pleasure of the sheriff. Their special duty shall be the enforcement of state traffic and motor vehicle laws; however, while they are not so engaged, they shall also aid in enforcing the laws of Bullock County and shall perform such other duties and services pertaining to the sheriff's office as may be required of them by the sheriff.

Section 3. Each such special deputy shall receive a salary of not less than \$200 nor more than \$300, payable monthly out of the county treasury as provided in Section 4 hereof. The sheriff of Bullock County shall fix the exact amount of each special deputy's salary; but the combined compensation of both deputies shall not exceed the amount appropriated by the county governing body for salaries of special deputies.

Section 4. The judge of probate of Bullock County is authorized each month to draw a warrant in favor of each special deputy appointed under this Act for the payment of his salary for the preceding month, upon the certificate of the sheriff certifying that such deputy has performed the duties of his office during the preceding month. The salary warrants of special deputies shall be paid out of the county public highway and traffic fund or the county general fund as directed by the county governing body. However, the judge of probate shall not issue any warrant in payment of a special deputy's salary unless an appropriation therefor has been made by the county governing body.

Section 5. The sheriff may require each deputy, hereby authorized, to make bond in the sum of \$2,000, conditioned as required by Code of Alabama 1940, Title 41, Section 35, except that such bond shall be payable to the sheriff.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. Act No. 21, H. 2 of the First Special Session of 1956 (Acts 1956, p. 46) and all other laws in conflict herewith are hereby repealed; however, nothing herein shall be construed as repealing Act No. 360, S. 389, Regular Session 1959 (Acts 1959, vol. 2, p. 949) and said Act No. 360 of 1959 and this Act shall be construed in *pari materia*.

Section 8. The provisions of this Act prescribing salary limits for special deputy sheriffs shall have retroactive effect, and shall apply to and govern the salary paid after October 1, 1959, to the special deputy sheriff appointed and serving pursuant to Act No. 21, H. 2 of the First Special Session of 1956; and the payment after October 1, 1959 to such special deputy of a monthly salary not in excess of the maximum monthly salary prescribed in this Act is hereby declared to be a valid and legal disbursement of the funds of such county. The remaining provisions of this Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming law.

Approved April 16, 1963.
Time: 7:28 P. M.

Act No. 35

H. 3—Merrill, Albea, Burnham

AN ACT

To prohibit the probate judge in all counties having a population of not less than 76,000 and not more than 96,000 from charging or collecting any fee or compensation for administering an oath or taking or acknowledging an affidavit; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 76,000 and not more than 96,000 according to the last or any subsequent federal census, the probate judge shall not charge or collect any fee or compensation for administering an oath or taking or acknowledging an affidavit, or for taking an acknowledgment. The probate judge shall not be held liable for failing to charge or collect any such fee or compensation.

Section 2. The provisions of this act shall be retroactive and shall go into effect on October 1, 1962.

Approved April 16, 1963.

Time: 7:29 P. M.

Act No. 36

H. 5—McCorquodale

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Coffeetown, in Clarke County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Coffeetown, in Clarke County, Alabama, be and the same are hereby extended, altered and rearranged, so as to include within the corporate limits of said Town all of the following described territory:

Township 9 North, Range 1 West

Section 3: NW $\frac{1}{4}$;

Section 4: E $\frac{1}{2}$, S $\frac{1}{2}$ of SW $\frac{1}{4}$;

Section 5: W $\frac{1}{2}$ of E $\frac{1}{2}$, E $\frac{1}{2}$ of W $\frac{1}{2}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$;

Section 8: N $\frac{1}{4}$ of NE $\frac{1}{2}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$; SE $\frac{1}{4}$ of NE $\frac{1}{4}$;

Section 9: N $\frac{1}{2}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$; SW $\frac{1}{4}$; S $\frac{1}{2}$ of NW $\frac{1}{4}$;

Section 15: W $\frac{1}{2}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$;

Section 16: E $\frac{1}{2}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$; N $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$;

Section 17: NW $\frac{1}{4}$ of NE $\frac{1}{4}$.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall go into effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 16, 1963.

Time: 7:28 P. M.

Act No. 37

H. 17—Burns, Owens, Nabors

AN ACT

To make an appropriation from the state treasury for the payment of compensation of certain registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Such sum or sums of money as may be necessary for the purpose is hereby appropriated from any funds in the state treasury not otherwise appropriated for the payment of compensation to the members of the board of registrars of Etowah County for services rendered by them during the months of October, November, and December, 1962, and the months of January, February, and March, 1963, each registrar to receive \$10 per day to be paid by the state and disbursed on the order of the judge of probate of the county for each day's attendance of the registrar upon the sessions of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1963.

Time: 7:29 P. M.

Act No. 38

H. 22—Martin

AN ACT

Relating to Greene County, amending Act No. 470, H. 576, Regular Session 1931 (Local Acts 1931, p. 234), an act authorizing the court of county commissioners, board of revenue, or other like governing body of Greene County to authorize the employment of clerical assistants for the judge of probate, in relation to the compensation of such assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 470, H. 576, Regular Session 1931 (Local Acts 1931, P. 234), an act authorizing the employment of clerical assistants for the judge of probate of Greene County and providing for the payment of their compensation out of the county treasury, are hereby amended to read as follows:

"Section 1. The court of county commissioners, board of revenue, or other like governing body of Greene County may, by unanimous vote of all the members elected, and concurrence by the chairman or presiding judge thereof, provide clerical assistants for the judge of probate of Greene County, whose compensation shall be paid from the general funds of the county.

"Section 2. The judge of probate may employ one or more clerks under the authority of this Act but their total compensation payable by the county shall not exceed the aggregate amount of \$4,800 per annum."

Section 2. This Act shall be effective from the first Monday after the second Tuesday in January, 1965.

Approved April 16, 1963.

Time: 7:29 P. M.

Act No. 39

H. 23—Crawford

AN ACT

To provide for supplemental salary to be paid by Henry County, Alabama, to the Judge of the Judicial Circuit embracing Henry County; to fix the amount and method of payment thereof; and to further provide the effective date of said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salary paid to the Judge of the Judicial Circuit embracing Henry County, Alabama, by the State, there shall be paid to the said Judge the supplemental sum of \$900.00 per annum out of the general funds of Henry County, Alabama, in equal monthly installments on the last day of each month, to be paid on the certificate of said Judge.

Section 2. The effective date of this Act shall begin at midnight on the first Monday after the second Tuesday in January, 1965.

Approved April 16, 1963.

Time: 7:30 P. M.

Act No. 40

H. 24—Stembridge

AN ACT

To provide for supplemental salary to be paid by Houston County, Alabama, to the Judge of the Judicial Circuit embracing Houston County; to fix the amount and method of payment thereof; and to further provide the effective date of said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salary paid to the Judge of the Judicial Circuit embracing Houston County, Alabama, by the State, there shall be paid to the said Judge the supplemental sum of \$1,500.00 per annum out of the general funds of Houston County, Alabama, in equal monthly installments on the last day of each month, to be paid on the certificate of said Judge.

Section 2. The effective date of this Act shall begin at midnight on the first Monday after the second Tuesday in January, 1965.

Approved April 16, 1963.

Time: 7:31 P. M.

Act No. 41

H. 41—Fite

AN ACT

To provide for the relief of Oliver Emmit Jones, by Marion County.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Marion County may appropriate from any funds of the county not otherwise appropriated, the sum of three hundred (\$300.00) for the relief of Oliver Emmit Jones. Such sum may be paid to the said Oliver Emmit Jones as just compensation for the personal injuries he received as a result of a motor vehicle collision involving a county truck, provided the said Oliver Emmit Jones, for himself and his heirs and assigns, waive any other further claim for damages against Marion County. The Legislature finds and declares that the claim of the said Oliver Emmit Jones is a moral and just claim against the county but claimant has no recourse at law to recover his damages, hence this enactment.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1963.

Time: 7:31 P. M.

Act No. 42

H. 47—Downing, Rogers, Engel,
Fields, Smith, McDermott, Hogan, Edington

AN ACT

To amend Act No. 847, H. 1069, Regular Session 1961 (Acts 1961, p. 1263), entitled "An Act to require, authorize and empower the governing body of all counties in this State, having a population of not less than 300,000 nor more than 500,000 by the last Federal census or by any succeeding Federal census, to levy and collect an excise, license or privilege tax on cigarettes and on every person, firm, corporation, club or association within the county, who or which sells or stores or consumes or receives for the purpose of distribution, cigarettes, and to prescribe the rate thereof; to require, authorize and empower the governing body of such counties to prescribe the method and provide for the collection of such tax; and to provide for the disposition of the revenues

derived therefrom," so as to further prescribe that the tax shall be on the ultimate consumer and exempting the tax from state sales taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 847, H. 1069, Regular Session 1961 (Acts 1961, p. 1263) is hereby amended to read as follows:

"Section 1. In all counties which now have or may hereafter have a population of not less than 300,000 nor more than 500,000, according to the last Federal census or any succeeding Federal census, the governing body of the county is hereby required, authorized and empowered to levy and collect, in addition to all other taxes of every kind now imposed by law, an excise, license or privilege tax on every person, firm, corporation, club or association within the county, which sells, or stores or consumes or receives for purposes of distribution, cigarettes. The said governing body is hereby authorized, empowered and required to levy such excise, license or privilege tax on cigarettes in the following amounts: (1) upon all cigarettes made of tobacco, or any substitute therefor, three inches long or less weighing not more than three pounds per thousand, one mill on each such cigarette; (2) upon all cigarettes made of tobacco, or any substitute therefor, over three inches long and less than six inches long, weighing not more than six pounds per thousand, two mills on each such cigarette; (3) upon all cigarettes made of tobacco, or any substitute therefor, more than six inches long and weighing more than six pounds per thousand, four mills on each such cigarette. However, every wholesaler, distributor, jobber, or retail dealer shall add the amount of the tax levied herein to the price of the cigarettes sold, it being the purpose and intent of this Act that the tax levied is in fact a levy on the ultimate consumer or user with the wholesaler, distributor, jobber, or retail dealer acting merely as an agent of the county."

Section 2. Section 7 of Act No. 847 of the Regular Session 1961 is hereby amended to read as follows:

"Section 7. Nothing in this Act shall be construed to alter any tax heretofore levied by the State, such Counties, or any Municipalities in such Counties; but this tax shall be excluded from the gross sales, or gross receipts, as the case may be, in the computation of the sales tax levied by the state under the provisions of Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298, and Code of Alabama 1940, Title 51, Section 718, as amended)."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1963.

Time: 7:32 P. M.

Act No. 43

H. 61—Harper

AN ACT

To establish, alter, and rearrange Commissioner's Districts in Tallapoosa County, Alabama, and to provide for the election of commissioners therefor, and to repeal prior acts in conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. The County of Tallapoosa shall be divided into five Commissioners' Districts, composed as follows:

District One shall be composed of and embrace Beats 1 and 2.

District Two shall be composed of and embrace Beats 3, 4, 5, and 17.

District Three shall be composed of and embrace Beats 6, 7, 8, and 18.

District Four shall be composed of and embrace Beats 9, 11, 14, 15, and 16.

District Five shall be composed of and embrace Beats 10, 12, and 13.

Section 2. The qualified voters of each District shall elect one commissioner from each District, who shall reside in the District from which elected and whose term of service shall be for four years each and shall commence at the expiration of the term of the present incumbent.

In the general election of 1964, a commissioner shall be elected as aforesaid in Districts 2, 4, and 5, and each four years thereafter.

In the general election of 1966, a commissioner shall be elected as aforesaid in Districts 1 and 3 and each four years thereafter.

Section 3. All laws in conflict herewith are hereby repealed.

Section 4. This act is severable; and if any part thereof shall be declared unconstitutional, the remainder shall remain in full force and effect.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1963.

Time: 7:32 P. M.

Act No. 44

H. 62—Callahan, Campbell (Tuscaloosa), Brown (Tuscaloosa)

AN ACT

To alter, rearrange and extend the boundary lines of the City of Tuscaloosa, in Tuscaloosa County, Alabama, so as to include within the corporate limits of said city certain property therein set out and described.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Tuscaloosa in Tuscaloosa County, Alabama, are hereby altered, rearranged and changed so as to include within the corporate limits of said city all of the following described real estate located in Tuscaloosa County, Alabama and specifically described by metes and bounds as follows, viz:

Lots numbered 72 and 73 of Arcadia #5, a map or plat of which is on record in Plat Book 7, Page 6, in the Probate Office of Tuscaloosa County, Alabama; Lots Numbered 79 and 80 of Arcadia No. 6, a map or plat of which is on record in the Probate Office of Tuscaloosa County, Alabama, in Plat Book 7, Page 77, and Lots Numbered 81, 82, 83, 84, 85, 86, 87, 88, 109, 110, 111, 112 and 113 of Arcadia No. 7, a map or plat of which is on record in the Probate Office of Tuscaloosa County, Alabama, in Plat Book 7, Page 129, and all of that property in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of the SE $\frac{1}{4}$) of Section 20, Township 21 South, Range 9 West bounded on the south by the right-of-way of the Alabama Great Southern Railroad, and bounded on the west by Lot No. 84 of Arcadia No. 7 Subdivision; bounded on the north by Arcadia Drive, and bounded on the East by Lot No. 43 of M. R. Bettis Subdivision; and all of that property in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of the SE $\frac{1}{4}$) of Section 20, Township 21 South, Range 9 West, bounded on the south by Arcadia Drive; bounded on the west by Lots No. 111, 112 and 113 of Arcadia No. 7 Subdivision; bounded on the north by Lot No. 110 of Arcadia No. 7 Subdivision, and bounded on the east by Lot No. 54 of M. R. Bettis Subdivision.

ALSO:

All the right-of-way of the Alabama Great Southern Railroad in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of the SE $\frac{1}{4}$) of Section 20, Township 21 South, Range 9 West, described as follows: Begin at a point on the east line of said Section which point is one hundred forty-two (142) feet east of Mile Post 194 on said Alabama Great Southern Railroad; thence west along the center line of said right-of-way a distance of one thousand six hundred seventy-four (1674) feet to a point on the west line of the Southeast Quarter of the Southeast Quarter of Section 20, Township 21 South, Range 9 West.

Section 2. All laws or parts of laws, both general, special or local in conflict with this Act are hereby expressly repealed.

Section 3. This Act shall take effect on the 1st day of October following its passage and approval by the Governor, or its otherwise becoming law.

Approved April 16, 1963.

Time: 7:33 P. M.

Act No. 45

H. 68—Wood

AN ACT

To fix the compensation and allowance of certain election officers in every county of the state having a population of not less than 15,300 nor more than 15,400 according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to each county of the state having a population of not less than 15,300 nor more than 15,400 according to the last or any subsequent federal decennial census.

Section 2. Election officers who are appointed and serve under provisions of Chapter 1, Title 17, Code of Alabama 1940, as amended, shall receive compensation and allowances as follows: the returning officer and the inspectors and clerks shall each be entitled to ten dollars (\$10), and the returning officer shall receive in addition thereto five cents a mile in going to the courthouse and returning to the place of holding the election; the several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1963.

Time: 7:34 P. M.

Act No. 46

H. 69—Wood

AN ACT

To provide a clerk-hire allowance for certain officers of all counties having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in but only in counties having a population of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census.

Section 2. The tax assessor and the tax collector of any county in which this Act applies shall each be entitled to a clerk-hire allowance of one thousand eight hundred dollars per annum, payable in monthly installments from the general fund of the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Approved April 16, 1963.
Time: 7:34 P. M.

Act No. 47

H. 70—Wood

AN ACT

To provide an expense allowance for members of the court of county commissioners, board of revenue or like governing body of all counties having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the court of county commissioners, board of revenue or like governing body of any county having a population of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census, shall be entitled to receive such salary as may be prescribed by law and each shall also be entitled to expenses in the amount of \$75 a month, payable monthly out of any funds in the county treasury available for such purpose according to law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the following month after the month in which it becomes law.

Approved April 16, 1963.
Time: 7:34 P. M.

Act No. 48

S. 5—Nichols

AN ACT

To amend Code of Alabama, Title 35, Section 250, in relation to the appointment of aides de camp to the governor.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 35, Section 250, as amended, is amended further to read as follows:

"Section 250. The personal military staff of the governor shall consist of one officer with the rank of colonel and as many other officers as the governor may consider appropriate with the rank of lieutenant colonel or commander, all of whom shall be appointed and commissioned by the governor and shall hold office at his pleasure. All such officers shall be commissioned in the state militia as aides de camp to the governor, but no such officer shall be barred, by reason of being a member of said staff, from holding an active commission in the Alabama National Guard or the Alabama state guard or a reserve commission in the army, navy, or marine corps of the United States or any civil office or employment under this state or any agency or political subdivision thereof. No member of said staff shall by virtue of such membership exercise any command or control over any part of the Alabama state guard."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1963.

Time: 7:35 P. M.

Act No. 49

S. 18—Givhan

AN ACT

To alter and rearrange the boundaries and corporate limits of the City of Selma, annexing certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Selma, Dallas County, shall be altered, rearranged and extended so as to include within the corporate limits of the city the following described territory in addition to the territory heretofore incorporated therein, to-wit:

Beginning at a point on the west margin of Range Street 1450 feet south of the center-line of Alabama Highway No. 14, thence run east and parallel to Alabama Highway No. 14 to a point in line with the west margin of Oliver Street, thence run south along

the projected west margin of Oliver Street, to the north margin of Second Avenue, thence run west along the north margin of Second Avenue to the east margin of Le Grand Street, thence run in a northwesterly direction to the northwest intersection of Second Avenue and Le Grand Street, according to the map of the Barrett Addition recorded in Map Book 2, Page 52-A, in the Probate Office of Dallas County, Alabama, thence run north along the west margin of LeGrand Street and along a projection north of said line for 555 feet 4 inches, thence run west and parallel to Second Avenue to the west margin of Range Street, thence run north along the west margin of Range Street to the point of beginning; said described property abuts and adjoins the present corporate limits of the City of Selma, Alabama, and contains 50 acres, more or less.

Section 2. This Act shall take effect May 1, 1963, or immediately upon its enactment after that date.

Approved April 16, 1963.

Time: 7:36 P. M.

Act No. 50

H. J. R. 29—Goodwyn, Goldthwaite,
Little, Pierce

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That a joint session of the two houses shall be held at 10:30 o'clock Thursday for the purpose of hearing an address by Dr. Hugh MacGuire of Montgomery on the subject of "Atomedics," a field in which Dr. MacGuire has done much work and exerted great efforts to bring about revolutionary changes in certain medical procedures and practices.

Approved April 16, 1963.

Time: 7:36 P. M.

Act No. 51

H. J. R. 30—Edwards (Lowndes)

HOUSE JOINT RESOLUTION

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly commend Miss Ellen Crawford upon her election as a state vice-president of FHA at the recent meeting of the southeast district of Future Homemakers of America, and congratulate her upon being awarded the state degree of achievement, the highest honor an FHA member can receive.

Approved April 16, 1963.

Time: 7:36 P. M.

Act No. 52

H. 111—Boston, Hannah

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

The Legislature may from time to time, by general or local laws applicable to or operative in Lauderdale County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Lauderdale County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House April 5, 1963.

Passed the Senate April 11, 1963.

Act No. 53

H. 129—Turner (Crenshaw)

AN ACT

To amend Section 4 of Act No. 640 enacted at the 1949 Regular Session of the Legislature of Alabama so as to provide that pledges and con-

tracts made by hospital associations or hospital boards with respect to special county hospital taxes may be on a parity with subsequent pledges or contracts respecting said taxes if the right to make such parity pledges or contracts is reserved in the proceedings authorizing such pledges or contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 640 enacted at the 1949 Regular Session of the Legislature of Alabama shall be and hereby is amended to read as follows:

"Section 4. Any hospital corporation may anticipate the proceeds from any special county tax required to be paid to it in accordance with provisions of this Act, by issuing securities for any one or more of the purposes for which the tax shall have been voted, and may pledge for the payment of the principal thereof and interest thereon, not exceeding 75% of the annual proceeds from said tax so paid to it. All securities issued hereunder shall be payable from the proceeds of the special tax in respect of which they were issued and from such other funds of the hospital corporation as its directors may determine, but this provision shall not prohibit payment of the securities from any other funds which may be available therefor under any other provision of law, provided, however, that in no event shall such securities be payable from such other funds if the effect thereof would be to subject such securities to any constitutional debt limit or to any constitutional requirement that they be authorized by vote of the qualified voters. Said securities shall be the obligation only of the hospital corporation issuing the same in accordance with the terms of such securities. No county shall in any event be liable for any obligation created by a hospital corporation or by the issuance of securities thereby, nor shall said securities be construed to be an indebtedness of or against any county or of a political subdivision thereof. All securities issued hereunder shall have preference over claims for salaries or other operation expenses or any other purposes. All pledges of said tax and all contracts made with respect thereto shall take precedence in the order in which they are made unless in the proceedings making such pledge or contract the right is reserved to make further pledges of or further contracts respecting said tax on a parity therewith, and shall create a charge on the proceeds of said tax prior to the expenses of operation and maintenance of any hospital facilities."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved April 23, 1963.
Time: 7:25 P. M.

Act No. 54

H. 73—Heflin

AN ACT

To amend Act No. 319 of the Alabama Legislature approved August 20, 1957 (Acts of Alabama, 1957 Regular Session, pgs. 426) entitled "An Act to regulate further the compensation of the Superintendent of Education of Chilton County".

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 319 of the Alabama Legislature approved August 20, 1957 (Acts of Alabama, 1957 Regular Session, pg. 426), entitled "An Act to regulate further the compensation of the Superintendent of Education of Chilton County", be and the same hereby is amended to read as follows:

"Section 1. The salary of the Superintendent of Education of Chilton County shall be fixed by the Board of Education of the County, but shall in no event be less than \$7500 per year. Such salary shall be paid in equal monthly installments from the County school funds."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 8:48 P. M.

Act No. 55

H. 74—Heflin

AN ACT

To amend Sections 10 and 11 of Act No. 471 of the Alabama Legislature, approved November 13, 1959 (Acts of Alabama 1959 Regular Session, pgs. 1170, et seq.), entitled "An Act to levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 10 of Act No. 471 of the Alabama Legislature approved November 13, 1959 (Acts of Alabama 1959 Regular Session, pgs. 1170, et seq.) entitled "An Act to levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20,

Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.”, be and the same hereby is amended to read as follows:

“Section 10. The proceeds of the taxes levied in this Act shall be used by the County Board of Education of Chilton County solely for the purpose of constructing, improving, maintaining, repairing and equipping school buildings, and acquiring sites therefor, within the County, and acquiring school busses; or the proceeds of such taxes may be used to pay the principal of, and the interest on, any securities issued pursuant to law for the purpose of constructing, improving, maintaining, repairing and equipping school buildings and acquiring sites therefor, within the county, or acquiring school busses.”

Section 2. That Section 11 of said Act No. 471 be and the same hereby is amended to read as follows:

“Section 11. The levy of the taxes herein made shall terminate 20 years after the effective date of the Act adopted at the second special session of the Legislature of 1963, which amends said Act No. 471. When the levy of taxes herein made terminates as provided herein all of the provisions of this Act pertaining to the payment and collection of taxes herein levied, the making of reports and maintenance of records with respect thereto, and in general the enforcement of this Act shall thereafter continue to be effective with respect to the taxes herein levied that shall have accrued hereunder prior to such termination date.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 23, 1963.
Time: 8:49 P. M.

Act No. 56

H. J. R. 37—Thomas

HOUSE JOINT RESOLUTION

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the passing of Livingston Paulk, father of the esteemed member from Bullock, is deeply mourned, and we extend warm sympathy to the bereaved family.

Approved April 23, 1963.
Time: 8:43 P. M.

Act No. 57

H. J. R. 38—Martin

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING,
That the bill, H. B. 22, which has passed both houses be designated
and known as "The Montgomery-Martin Bill."

Approved April 23, 1963.

Time: 8:43 P. M.

Act No. 58

H. J. R. 40—Jones (Monroe), Martin

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA THE SENATE CONCURRING, That the members of the Legislature do express their thanks and appreciation to the Honorable Sam Nettles, the gentleman from Wilcox, and Senator Roland Cooper of Wilcox for the many courtesies extended by them to those members of the Legislature who attended the groundbreaking ceremony for the Millers Ferry Dam on April 17.

Approved April 23, 1963.

Time: 8:44 P. M.

Act No. 59

S. 22—Roberts

AN ACT

Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census, and to certain cities therein; providing for acquisition, construction, maintenance, management, and operation of places of detention for juveniles and persons confined on orders of family court judges in such counties and cities.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census.

Section 2. The court of county commissioners, board of revenue, or other like governing body of any county coming within the purview of this Act may appropriate from any funds in the county treasury not otherwise appropriated such sum or sums as it may consider reasonable to aid in the acquisition, construction, maintenance, management, and operation of a place of detention for juveniles or other persons ordered confined by the judge of the family court division or juvenile division of the cir-

cuit court of the county. Appropriations may be made under this Act for the acquisition of a building site or sites, for payment of architects' and engineers' fees or attorneys' fees, for materials and supplies, or for any other expenses incidental to the acquisition, establishment, and operation of such a place of detention.

Section 3. The aggregate of all costs of acquiring, constructing, maintaining, and operating the place or places of detention provided for in Section 2 shall be borne share and share alike by the county and the most populous city in the county. Salaries and other like current expenses of operation shall be paid by the county in the first instance, and the city commission or council or other like governing body of the city shall reimburse the county for its share.

Section 4. The operation of the place of detention provided for in this Act shall be under the supervision, management, and control of the judge of the juvenile or family court division of the circuit court of the county and the personnel for operating the same shall be appointed by him. The judge shall fix the compensation of all personnel so employed subject to approval by the court of county commissioners, board of revenue, or other like governing body of the county, and also the governing body of the city.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved April 23, 1963.

Time: 8:45 P. M.

Act No. 60

S. 32—Roberts

AN ACT

Relating to Madison County, authorizing the governing body of Madison County to provide additional funds to the probate judge for clerical help and assistance for the current year.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Madison County may, in its discretion, allow and pay to the probate judge of the county during the fiscal year ending September 30, 1963, for additional clerical help and assistance employed during the current year, a sum

not to exceed two thousand five hundred dollars. The allowance provided for in this Act shall be in addition to the allowance for compensation of clerks and assistance as provided in Act No. 501, S. 399, Regular Session 1957, as amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 8:46 P. M.

Act No. 61

S. J. R. 13—Hawkins

SENATE JOINT RESOLUTION

WHEREAS, the Alabama legislature has noted with a sense of deep regret the passing of Sam D. Lasseter on April 11, 1963, the nationally recognized and highly respected Public Works Commissioner of the City of Gadsden; and

WHEREAS, Sam D. Lasseter was first elected to the city commission in 1950 and was serving in his third term at the time of his untimely passing at the age of 44 and since in this period he has built an enviable record of service and achievements on behalf of the City of Gadsden, reflecting uncommon endowments of foresight, perserverance, and capacity for intelligent leadership, and since his passing will leave a void in governmental and civic affairs of the city which shall be missed keenly by his host of friends in all walks of life and particularly those of the Methodist Church, the Masons, Shriners, and Civitans to all of which he held a particular affection and to which he gave so generously of his talents, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we pay a tribute of respect to the memory of Sam D. Lasseter as a representative of that large body of good men who dedicate their lives to public service and to the general good of mankind, and that we extend this expression of our deep sympathy to his wife and children on the occasion of their great loss.

Be It Further Resolved, that a copy of this resolution be sent to the wife and children of Mr. Lasseter and to his mother, Mrs. Sam D. Lasseter, Sr.

Approved April 23, 1963.

Time: 8:47 P. M.

Act No. 62

S. J. R. 15—Lolley

SENATE JOINT RESOLUTION

WHEREAS, the gracious and talented Mrs. Charles W. Lindsey of Elba recently was crowned "Mrs. Alabama for 1963"; and

WHEREAS, this is an honor Mrs. Lindsey richly deserves, for she is not only a lady of rare charm and talent but is an excellent homemaker for her husband and two attractive and outstanding children; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, THE HOUSE CONCURRING, That we note with pride the selection of Mrs. Lindsey as "Mrs. Alabama for 1963"; we wish for her a happy and eventful reign; and we extend to her best wishes for triumph in the Mrs. America Contest to be held in Miami late this month.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Lindsey at Elba.

Approved April 24, 1963.
Time: 10:35 A. M.

Act No. 63

H. 67—Scurlock

AN ACT

To fix, regulate, and alter the compensation of certain officers of Walker County, place such officers on a salary basis, and provide for the operation of their offices on such basis, as authorized by Constitutional Amendment No. 127.

Be It Enacted by the Legislature of Alabama:

Section 1. The following designated officers of Walker County shall each be entitled to compensation on the basis of a salary as herein fixed, to wit:

For the sheriff, \$12,000 per annum;

For the judge of probate, \$12,000 per annum;

For the tax assessor, \$9,000 per annum;

For the tax collector, \$9,000 per annum;

For the clerk of the circuit court, \$9,000 per annum;

to become effective as to each officer named at the expiration of the term of office of the incumbent. The salaries of such officers shall be in lieu of fees, commissions, allowances, percentages, charges, and costs, except as otherwise provided in this Act, and shall be the entire compensation of the officer for the performance of the duties of his office and all duties attached to the office by general, special, or local laws.

Section 2. The court of county commissioners, board of revenue, or other like governing body of Walker County, shall provide each officer with clerks, deputies, and assistants as follows:

(1) The judge of probate shall be allowed an amount not exceeding \$21,000 per annum for clerical help;

(2) The circuit court clerk shall be allowed an amount not exceeding \$4,800 per annum for such help;

(3) The tax assessor shall be allowed an amount not exceeding \$9,200 per annum for such help;

(4) The tax collector shall be allowed an amount not exceeding \$4,800 per annum for such help;

(5) The sheriff shall be allowed a cook for the jail at a salary of \$150 a month, a secretary for his office at a salary of \$200 a month, and the same number of jailers, deputies, and other assistants as now prescribed by law, who shall receive such compensation and allowances as may be fixed by law.

Each officer shall appoint his own deputies, clerks, and assistants, and shall fix their compensation, except as herein otherwise provided. The county governing body may also in its discretion provide each officer with additional clerks, deputies, and assistants whenever that is considered necessary for the efficient conduct of the affairs of the county.

Section 3. The court of county commissioners, board of revenue, or other like governing body of Walker County shall provide the judge of probate, sheriff, tax assessor, tax collector, and clerk of the circuit court such books, stationery, office equipment, supplies, postage, and other conveniences as may be necessary for the proper and efficient conduct of the affairs of the respective offices, but not including motor vehicles, except for the sheriff or his deputies. The county governing body shall furnish the sheriff with four automobiles and pay the cost of maintaining and operating the same, and shall provide the necessary fuel for preparing food for prisoners.

Section 4. The fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any named officer shall hereafter be collected for the use of Walker County and shall be paid into the general fund of the county. Provided, the sheriff shall be entitled to the allowances payable by the state for feeding prisoners and also such mileage and expense allowances as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside Walker County. The compensation of the officers named and of their clerks, deputies, and other assistants, shall be paid in equal monthly installments from the general funds of the county.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective as to each county office specified herein at the expiration of the term of the incumbent officer.

Approved April 23, 1963.
Time: 8:47 P. M.

Act No. 64

H. 75—Doggett

AN ACT

To apply only in counties having populations of not less than 17,800 nor more than 18,700; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, or which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 17,800 nor more than 18,700 according to the last or any subsequent federal decennial census.

Section 2. Any resident of the county duly licensed as provided in this Act may take, capture, and kill catfish from the public streams and impounded waters of the county for his domestic use or consumption by the use of baskets, including wire mesh baskets having a mesh of one inch or more; provided, that no person shall be licensed to fish with more than four such baskets.

Section 3. Any resident of the county desiring a license to fish for catfish with baskets, including wire mesh baskets, may apply to the probate judge of the county, and shall pay a privilege license tax of one dollar and an issuance fee of 25 cents for the probate judge for each basket to be fished. Such licenses shall not be issued for more than four baskets to any one person, and no license shall be issued to any person holding a commercial fishing license. The probate judge shall issue such license on forms provided by the county governing body, and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a calendar year basis, and all licenses issued in any year shall expire on December 31 of that year.

Section 4. All revenues derived from the sale of licenses as provided in this Act shall be paid over to the director of the State Department of Conservation, to be credited to the game and fish fund, and shall be spent for law enforcement work. The probate judge may retain for his own use all issuances fees collected.

Section 5. It shall be unlawful for any licensee to sell or offer to sell fish taken, captured, or killed in a basket. Any person who violates this section shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law; in addition to such punishment, the court trying the case shall revoke the license of such person.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 8:49 P. M.

Act No. 65

H. 99—Carr

AN ACT

To apply in all those counties in Alabama having not less than 46,500 population and not more than 49,000 population according to the latest or any subsequent Federal Decennial Census, and further regulating and prescribing the qualifications of persons engaging in the Bail Bond business in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all those counties in Alabama having a population of not less than 46,500 according to the latest or any subsequent Federal Decennial Census and not more than 49,000 population according to such census.

Section 2. In all such counties coming within the purview of this act, any person wishing to become a professional Bail Bondsman may do so by filing a list of his assets and his liabilities with the Sheriff of such county and upon a certification by the Sheriff that his net worth is above \$25,000.00 then the Probate Judge shall issue such person a license as a professional Bail Bondsman upon his payment to the Probate Judge of \$75.50, \$50.00 of which shall be for use of the State and \$25.00 shall be for use of the County, and 50¢ shall be for issuance fee.

Section 3. All laws and parts of laws in conflict herewith in so far as they are in conflict herewith are hereby expressly repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved April 23, 1963.

Time: 8:49 P. M.

Act No. 66

H. 105—Drake

AN ACT

To provide additional revenue in Cullman County; levying special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the Act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied in Cullman County, in addition to all other taxes now imposed by law, special county privilege license and excise taxes paralleling state sales and use taxes in the manner and at the rates hereafter prescribed:

(1) Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Cullman County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

(2) Upon every person, firm, or corporation engaged or continuing within Cullman County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, theaters, opera

houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Cullman County, an amount equal to one percent of the gross receipts of any such business.

(3) Upon every person, firm, or corporation engaged or continuing within Cullman County in the business of selling at retail machines or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines or machinery, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

(4) Upon every person, firm, or corporation engaged or continuing within Cullman County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

(5) An excise tax is hereby imposed on—

The storage, use, or other consumption in Cullman County of tangible personal property purchased at retail, for storage, use or other consumption in Cullman County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Cullman County or in this state, except as provided in paragraphs a and b below; and

a. The storage, use, or other consumption in Cullman County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail for storage, use, or other consumption in Cullman County, at the rate of one-half of one percent of the

sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied shall be paid on the net difference, that is, the difference in the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

b. The storage, use, or other consumption in Cullman County of any machine or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines or machinery, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail for storage, use, or other consumption in Cullman County, at the rate of one-half of one percent of the sales price of such machine or the parts, attachments, or replacements therefor.

c. There are exempted from the levy of such taxes the gross receipts of any business and the gross proceeds of all sales which are exempted under the state sales tax statutes from the computation of the amount of the state sales tax. And there is also exempted from the levy the storage, use, or other consumption of property, the storage, use, or other consumption of which is exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Cullman County tangible personal property purchased at retail shall be liable for the tax imposed, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given to the purchaser of any property to be used, stored, or consumed in Cullman County shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer. The term "registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes. The term "state sales tax statutes" means Act No. 100, H. 94, approved August 18, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100 which expressly set forth any exemptions from the computations of the tax levied in said Act No. 100, and all other statutes which expressly apply to, or purport to affect, the administration of said Act No. 100 and the incidence and collection of the tax imposed therein. The term "state use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, including all statutes enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein.

Section 2. The sales tax levied in Section 1 shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrues; the use tax levied pursuant to Section 1 shall be due and payable quarterly on or before the 20th day of the month next succeeding each quarterly period during which the storage, use, or other consumption, of the tangible personal property became taxable, each such quarterly period to end on the last day of each of the months of March, June, September, and December. All taxes levied pursuant to this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth with respect to all sales and business that are required to be used as a measurement of the tax levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth with respect to the use tax levied, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax during the then preceding quarterly period. Such reports shall include also such other items of information pertinent to the said taxes and the amount thereof as the state department of revenue may require. Any person subject to the taxes levied may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of Cullman County, or its designated agent, at reasonable times during business hours.

Section 3. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Cullman County (which storage, use, or other consumption is not exempted from the tax imposed) shall at the time of making such sale, or, if the storage, use, or other consumption of such tangible personal property in Cullman County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 2 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other con-

sumption of which became subject to the tax imposed during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Cullman County need not file a report or make any further payments of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed, and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 2.

Section 4. Each person engaging or continuing within Cullman County in a business subject to the taxes levied in Section 1 shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required to collect. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 5. The taxes imposed by this Act shall constitute a debt due Cullman County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All provisions of the revenue laws

of this state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the county taxes levied, and the state department of revenue for the use and benefit of Cullman County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act, and to otherwise enforce the provisions of this Act, including any litigations involving the Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Cullman County.

Section 6. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax; make reports, or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 1 hereof, shall apply to the county tax levied, and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports, and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the county use tax levied shall apply to the county tax. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties, and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable to this Act to the county taxes levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 7. The state department of revenue shall charge Cullman County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed ten percent of the

total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Cullman County for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Cullman County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Cullman County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Cullman County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public school funds for Cullman County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county, and shall maintain separate records of such special account. The county board of education shall require an additional bond of the custodian of public school funds, in an amount to be prescribed by the board of education and payable to the board and conditioned as prescribed by law. Such additional bond shall be filed and recorded in the office of the judge of probate of the county. The premiums on such bond shall be paid from any school funds derived hereunder. The net proceeds derived from the taxes levied by this Act shall be distributed as follows: The custodian of public school funds shall pay annually to the governing body of Cullman County and to the City of Cullman each the sum of \$12,500 which shall be payable at the rate of \$1,000 per month for eleven months and \$1,500 for the twelfth month. Funds payable to the county governing body shall be paid into the county general fund and funds payable to the City of Cullman shall be paid to the city treasurer. Such funds shall be kept separate and apart from other funds and shall be used exclusively for the purpose of promoting industrial development. Exclusive of the \$25,000 heretofore allocated to the county governing body of Cullman County and the City of Cullman to be used for the purpose of promoting industrial development, the remaining proceeds shall be divided equally between the board of education of Cullman County and the City of Cull-

man payable on a monthly basis. The board of education's share of the proceeds shall be used exclusively for educational purposes, including transportation, maintenance and upkeep of buildings and current expenses other than teachers' salaries. The city's share of the proceeds other than that specifically allocated by this Act for the promotion of industrial development shall be used for general municipal purposes.

Section 8. That the payment of the sums of such proceeds to the City of Cullman and the county governing body of Cullman County provided for hereunder shall be made not later than five days from the date of receipt of such funds by such custodian from the comptroller.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective October 1, 1963.

Approved April 23, 1963.

Time: 8:50 P. M.

Act No. 67

H. 106—Drake

AN ACT

Relating to Cullman County, authorizing municipal corporations in the county to establish, purchase, construct, maintain and operate telephone systems and to furnish telephone service to residents of the municipal corporations and surrounding territory; prescribing their powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporations in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in Cullman County.

Section 2. Any municipal corporation in Cullman County shall have the right to establish, purchase, construct, maintain and operate a telephone system and to furnish telephone service to their residents and residents of surrounding territory.

Section 3. Any municipal corporation is authorized to construct, lease, purchase or otherwise acquire telephone lines for the furnishing of telephone service from any point in this State or any other State to said municipal corporation and surrounding territory.

Section 4. For the purposes of this Act any municipal corporation may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 5. a) In payment for the purchase, construction, acquisition, extension or maintenance of such telephone system any municipal corporation may issue its bonds in the manner provided by law.

b) Any municipal corporation, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it for the construction, acquisition, extension or maintenance of a telephone system may execute a mortgage or deed of trust upon any or all of such system and all property used in connection therewith, including the franchise or any part thereof.

c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the municipal corporation and holders of such bonds or securities issued by such municipal corporation as may be determined and agreed upon by the governing body of the municipal corporation and persons, firms or corporations owning such debts, bonds or securities.

d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege and franchise of operating such system as may be so sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the municipal corporation is authorized to operate until the municipal corporation may redeem such system from such mortgage sale.

e) Such mortgage or deed of trust may provide that during the ownership of the system by the municipal corporation, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such municipal corporation may pledge all of the receipts, earnings and revenues from the operation of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgages or deeds of trust.

Section 6. Any municipal corporation furnishing telephone service pursuant to this Act shall have the right to require any person furnishing telephone service to the public in this State to interconnect the telephone lines, facilities or systems furnishing

such service with, or otherwise make available such lines, facilities or systems to the municipal corporation's telephone lines, facilities or systems in order to provide a continuous line of communication for the municipal corporation's subscribers. In the event such person and the municipal corporation shall be unable to agree upon the terms and conditions of such interconnection, including compensation therefor, the Alabama Public Service Commission, upon the request of the municipal corporation, shall establish such terms and conditions which shall be reasonable and nondiscriminatory.

Section 7. Each municipal corporation shall have all the power and authority necessary and proper to the exercise of the powers conferred on it by this Act and in effectuating the purposes of this Act.

Section 8. Any municipal corporation transacting business pursuant to this Act shall be exempt in all respects from the jurisdiction and control of the Alabama Public Service Commission.

Section 9. All laws or parts of laws in conflict with this Act are repealed.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.
Time: 8:51 P. M.

Act No. 68

H. 107—Powell

AN ACT

Relating to Elmore County, providing for establishment of branch banks or branch offices of banks in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this Act any established bank which is authorized to do a general banking business in Elmore County may, with the written consent of the State Superintendent of Banks, open, establish, and operate a branch bank, branch office, or place for doing a banking business anywhere within said county, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 8:52 P. M.

Act No. 69

H. 109—Crawford

AN ACT

Relating to Henry County; amending further Act No. 82, H. 340, Regular Session 1947, an act providing for the election of county commissioners (Local Acts 1947, p. 58), in relation to the compensation of the commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 82, H. 340, Regular Session 1947, an act providing for the election and compensation of county commissioners of Henry County (Local Acts 1947, p. 58), as amended, is amended further to read as follows:

“Section 7. The compensation of each commissioner shall be \$2,400 per annum, to be paid in equal monthly installments out of the general funds or gasoline funds of the county, on warrants drawn by the probate judge.”

Section 2. This Act shall become effective as authorized by Amendment No. 92 to the Constitution of Alabama.

Approved April 23, 1963.

Time: 8:52 P. M.

Act No. 70

H. 110—Hannah, Boston

AN ACT

Relating to counties having a population of not less than 60,500 and not more than 65,000 according to the last or any subsequent federal decennial census; providing for the substitution of other books or texts for the textbooks on the list of state-approved or state-adopted textbooks.

Be It Enacted by the Legislature of Alabama:

Section 1. After the end of the scholastic year 1962-1963, the county board of education of any county having a population of not less than 60,500 and not more than 65,000 according to the last or any subsequent federal decennial census may substitute other books or texts for the textbooks on the list of state-approved or state-adopted textbooks prescribed by the State Board of Education. Whenever books or texts are substituted for the state-approved or state-adopted textbooks, such books or texts must

be used by the teachers in the county school system in teaching any course or courses for which a substitution has been made.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 8:53 P. M.

Act No. 71

H. 120—Cates

AN ACT

Relating to Shelby County; authorizing any Savings and Loan Associations operating in such county to open, establish, operate and maintain branch offices anywhere in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The directors or other governing authority of any Savings and Loan Associations operating in Shelby County, whether such association be chartered under an act of Congress or state law, are hereby authorized and empowered to open, establish, operate and maintain a branch office or offices anywhere in Shelby County, and may engage in such business at such branch office or offices as said association is permitted to do by its charter or its by-laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed. But no association shall be permitted, allowed, or authorized to open or establish more than two branch offices.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 8:55 P. M.

Act No. 72

H. 121—Callahan, Campbell (Tuscaloosa), Brown (Tuscaloosa)

AN ACT

Relating to counties having populations of not less than 100,000 nor more than 115,000, providing for meetings of the board of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 100,000 nor more than 115,000, according to the most recent federal decennial census, or any subsequent federal decennial census.

Section 2. In all such counties, the board of registrars shall meet on the first Monday and for four consecutive days thereafter, Sundays and legal holidays excepted, in the months of February, March, April, May, June, July, August, and September of each year, and on the first Monday and for nine consecutive days thereafter, Sundays and legal holidays excepted, in the months of October, November, December, and January of each year, for the purpose of registering voters. An applicant may register at the courthouse or at any other location in the county designated by the board of registrars.

Section 3. The board of registrars shall also meet at the courthouse on the second Monday in February in each year and for 19 consecutive days thereafter, Sundays, legal holidays, and the time or times for registering voters excepted, for the purpose of purging the voting list.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved April 23, 1963.

Time: 8:56 P. M.

Act No. 73

H. 123—Wood

AN ACT

Relating to counties having populations of not less than 15,300 nor more than 15,400, according to the most recent federal decennial census; providing clerk-hire allowances for sheriffs of such counties payable from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 15,300 nor more than 15,400, according to the most recent federal decennial census, the sheriff of the county shall be entitled to \$150 a month, payable from the county treasury as a clerk-hire allowance. The allowance shall be paid on requisitions or claims filed by the sheriff from any funds in the county treasury not otherwise appropriated.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 8:57 P. M.

Act No. 74

H. 125—Albea, Merrill

AN ACT

Relating to counties having populations of not less than 76,000 nor more than 96,000, providing for meetings of the board of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census, or any subsequent federal decennial census.

Section 2. In all such counties, the board of registrars shall meet on the first Monday and for four consecutive days thereafter, Sundays and legal holidays excepted, in the months of February, March, April, May, June, July, August, and September of each year, and on the first Monday and for nine consecutive days thereafter, Sundays and legal holidays excepted, in the months of October, November, December, and January of each year, for the purpose of registering voters. An applicant may register at the courthouse or at any other location in the county designated by the board of registrars.

Section 3. The board of registrars shall also meet at the courthouse on the second Monday in February in each year and for 19 consecutive days thereafter, Sundays, legal holidays, and the time or times for registering voters excepted, for the purpose of purging the voting list.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved April 23, 1963.

Time: 8:59 P. M.

Act No. 75

H. 18—Nabors, Burns, Owens

AN ACT

To amend further Section 1 of Act No. 363, S. 267, approved November 3, 1959 (Acts of Alabama, 1959, p. 951), entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," in relation to the compensation of the court reporters of the Sixteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 363, S. 267, approved November 3, 1959 (Acts of Alabama, 1959, p. 951), as amended, entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," is amended further to read as follows:

"Section 1. (a) The official court reporters appointed and holding officer under the provisions of law shall receive a salary of forty-eight hundred dollars per annum, twenty-two hundred dollars of which shall be payable in monthly installments by the counties composing the circuits, each county to pay its pro rata part thereof, upon the basis of the assessed tax valuation of all property in such county for the preceding year, such payments to be made on certificate issued by the judge of the court in favor of such official reporter for the respective amounts due by the several counties each month, the same to be paid by the treasurer of each county out of the general fund on presentation in the same manner as jurors' certificates are now paid, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund in the state treasury, except as hereinafter provided.

"(b) The official court reporter of the twenty-second judicial circuit shall receive a total salary of five thousand dollars per annum, twenty-four hundred dollars of which shall be payable in equal monthly installments by the counties composing the circuit as set out in subsection (a) above, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund in the state treasury.

"(c) The official court reporter of the sixth judicial circuit shall receive a total salary of fifty-four hundred dollars per annum, twenty-eight hundred dollars of which shall be payable in equal monthly installments by the counties composing the circuit as set out in subsection (a) above, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund in the state treasury.

"(d) The official court reporters of the sixteenth judicial circuit shall receive a total salary of sixty-six hundred dollars

per annum, four thousand dollars of which shall be payable in equal monthly installments by the county as set out in subsection (a) above, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund in the state treasury; except that in the event an additional court reporter or court reporters are appointed subsequent to the passage and approval of this amendment, the increase herein provided shall not apply to such reporter or reporters subsequently appointed unless and until such additionally appointed reporters have served satisfactorily for a period of five years; thereafter said increase to apply to such additional reporter or reporters the same as others previously appointed and serving.

“(e) The official court reporters of the fifteen judicial circuit shall each receive a total salary of sixty-four hundred dollars, thirty-eight hundred dollars of which shall be payable in equal monthly installments by the county composing the circuit, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund of the state treasury.

“(f) The official court reporters of the thirteenth judicial circuit shall each receive a total salary of six thousand dollars, thirty-four hundred dollars of which shall be payable in equal monthly installments by the county composing the circuit, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund of the state treasury.

“(g) The official court reporter of the twentieth judicial circuit shall receive a salary of fifty-eight hundred dollars per annum, thirty-two hundred dollars of which shall be payable in monthly installments by the counties composing the circuit, each county to pay its pro rata of such salary based upon the assessed value of all taxable property of such county for the preceding year on certificate issued by the judge of the court in favor of such reporter for the amount due by the county each month, and the remaining twenty-six hundred dollars shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund in the state treasury.

“(h) The official court reporters of the twenty-third judicial circuit shall each receive a total salary of fifty-four hundred dollars per annum, twenty-eight hundred dollars of which shall be payable in equal monthly installments by the counties as set out in subsection (a) above, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund in the state treasury.”

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall take effect upon its passage and approval by the Governor, or its otherwise becoming law.

Approved April 23, 1963.

Time: 8:57 P. M.

Act No. 76

H. 63—Callahan, Campbell (Tuscaloosa)

AN ACT

Relating to counties having populations of not less than 100,000 nor more than 115,000; regulating the appointment of special constables in such counties in certain cases; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 100,000 nor more than 115,000, according to the most recent federal decennial census, when the office of constable is vacant, or the constable is interested in a cause pending before a justice of the peace or notary public exercising the jurisdiction of a justice of the peace, or in case of emergency, the Senior Circuit Judge of the county must appoint a suitable person to act as constable, without bond; and the person so appointed must perform the same duties and is liable to the same pains and penalties as other constables; but such special constable is not authorized to levy or collect on executions. No such Justice shall have the power to appoint special Constables and any such appointments heretofore made are hereby invalidated.

Section 2. The provisions of Code of Alabama, Title 54, Section 35 in conflict with this Act are hereby repealed as to counties coming within the purview of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 9:00 P. M.

Act No. 77

H. 64—Callahan, Brown (Tuscaloosa),
Campbell (Tuscaloosa)

AN ACT

Relating to counties having a population of not less than 100,000 nor more than 115,000; providing for regulation of persons engaged in the business of selling money orders and other like instruments in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties of this state having a population of not less than 100,000 nor more than 115,000, according to the most recent Federal decennial census, merchants who have been for a period of not less than five years before April 1, 1962 engaged continuously in the mercantile business and who are now engaged in such business in such counties, who in connection with their mercantile businesses and as an ancillary or subordinate business thereto also sold, issued or dispensed checks or received money as agents for obligors for the purpose of paying such obligors' bills, invoices or accounts, whether for a fee or as a gratuitous service, are hereby exempt from the license prescribed by Act No. 177, H. 97 Special Session 1961 (Acts 1961 vol. 2 p. 2142). Such merchants need not pay any fees to the securities commissioner of the State of Alabama, file any financial statements, surety bonds or any other information with the securities commissioner or comply with any other provisions of said Act 177 H. 97 Special Session 1961 as a prerequisite to selling, issuing or dispensing checks or to receiving money as agents of obligors for the purpose of paying such obligors' bills, invoices or accounts in the same manner that they did during the five year period before April 1, 1962 so long as such business is conducted in connection with and is subordinate to their mercantile business.

Section 2. All laws or parts of laws which conflict with this Act insofar as the same conflict with this act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 9:01 P. M.

Act No. 78

H. J. R. 28—Nettles, Hain, Blanton,
Jones (Monroe), Daniel

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with deep regret the passing of Mrs. Daphne McLendon McLeod, and

extend most sincere sympathy to her husband, Honorable Blanchard McLeod, Solicitor of the Fourth Judicial Circuit, and to the other members of her family in their great loss.

Be It Further Resolved That the Clerk of the House send a copy of this resolution to Circuit Solicitor McLeod.

Approved April 23, 1963.

Time: 9:03 P. M.

Act No. 79 H. J. R. 31—Grouby, Hester, Pruitt, Goldthwaite, Edington, Jones (Covington), Brown (Jefferson), Teel, Paulk, Engel, McDermott, Owens, Smith, Beville, Scurlock, Burns, Turnham, Blanton, Barnett, Morrow, Rast, Gilmore, Hawkins, Ingram, Meeks, Little, Steagall, Casey, Jones (Monroe), Bethea (M), Moore, Dominick, Drake, Cornett, Perry, Sessions, Vacca, Etheredge, Branyon, Fite, Martin, Young, Nettles, Faulk, Daniel, Bassett, Doggett, Sullivan, Cantrell, Davis, Hannah, Downing, Holladay, NeSmith, Crawford, Hain, Albea, Burnham, Wood, Salter, Mashburn, Glass, Locke, Bailes, Slate, Turner, Meade, Rogers, Fields, Edwards (Escambia)

HOUSE JOINT RESOLUTION

WHEREAS the law provides that the Governor may in certain cases offer rewards for the apprehension and arrest of perpetrators of certain crimes; and

WHEREAS the Governor is perhaps reluctant to offer a reward for information leading to the capture, arrest, and conviction of the person or persons unknown who feloniously assaulted him recently; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do hereby offer a reward of \$5,000 to the person or persons providing information leading to the apprehension, arrest, and conviction of the perpetrator of this assault upon his Excellency, the Governor, and hereby order that the reward shall be paid from any funds appropriated to the use of the Legislature, upon requisitions signed by the Speaker and the President of the Senate.

Approved April 23, 1963.

Time: 9:05 P. M.

Act No. 80

H. J. R. 32—Powell

HOUSE JOINT RESOLUTION

WHEREAS, the competency and general excellence of the Elmore County Band has been repeatedly evidenced by its favorable reception at national and international conventions, football bowl games, and other major appearances, and since the Elmore County Band, directed by George Truman Welch, has recently received the highest rating any band could receive at the Alabama High School Band Competition Festival held at the University of Alabama, all of which reflects great credit upon the individual members of the band, the director, their schools and communities; therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend hearty congratulations to the members and the director of the Elmore County Band for their performance in the recent state competition and wish for this talented organization continued success.

RESOLVED FURTHER, That the Clerk of the House send enrolled copies of this resolution to the Elmore County Band Director, Mr. Welch, and to the Tallassee Tribune and the Wetumpka Herald.

Approved April 23, 1963.

Time: 9:05 P. M.

Act No. 81 H. J. R. 33—Locke, Rast, Sessions, Morrow, Vacca, Gilmore, Meeks, Etheredge, Bailes, M. Bethea, Perry, Brown (Jefferson), B. Bethea, Hawkins

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT within this past week the City of Birmingham has been invaded by intruders who would by force and violence attempt to overthrow laws which may not be to their liking—This is anarchy. Professional instructors have been sent from other states to teach and lead this revolt. This cannot be tolerated by any free democratic society.

The people of the City of Birmingham refuse to surrender to anarchy or to encourage it in any way but insist that all laws should be changed only in the American way which is by Congressional or Legislative action, not by force and violence.

RESOLVED by the people of Alabama represented here in the Legislature duly assembled that the City of Birmingham, its people and law enforcement officials, be commended for their handling of the disturbances, be admonished to be firm to resist this unlawful attempt by force to overthrow law. We do back the people of the city in their resolve to resist this invasion and revolt. As Americans we endorse the city in its conviction that enactment and repeal of laws be resolved in the American way by enactments of Congress or the respective State Legislature and not by revolution.

Approved April 23, 1963.

Time: 9:06 P. M.

Act No. 82 H. J. R. 34—Rogers, Engel, McDermott, Fields,
Hogan, Edington, Downing, Smith

HOUSE JOINT RESOLUTION

WHEREAS, Mobile County and the State of Alabama have suffered a grievous loss in the sudden and untimely death on April 10, 1963 of William A. McClinton, at the age of 49, a much beloved and widely known tax collector of Mobile County, and

WHEREAS, William McClinton had proven himself a dedicated and conscientious public servant, having served in the office of tax collector for 21 years; he shall nevertheless be remembered best as one who gave in full measure of his time and talents to fulfilling his fraternal obligations to his church, and to civic and community endeavors of all kinds; and in so doing he demonstrated a remarkable capacity for friendship which endeared his memory to countless hundreds who are now grieved and saddened by his untimely passing and shall miss him with a feeling of great personal loss; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, THE HOUSE AND SENATE CONCURRING, That we express our sense of appreciation for the life of William A. McClinton as a public servant, a Christian gentleman, a Mason, a husband, and father, and as a good and a true man, and that we extend to the members of his family an expression of our sincere sympathy in their great loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. McClinton and to their two children.

Approved April 23, 1963.

Time: 9:07 P. M.

Act No. 83

H. J. R. 35—Turnham

HOUSE JOINT RESOLUTION

WHEREAS, Auburn University is greatly indebted to Dr. Fred Allison, an illustrious educator, who served so outstandingly as head of the physics department, as dean of the graduate school, and as director of the Auburn Research Foundation; and

WHEREAS, Dr. Allison has made extraordinary contributions to the state by his inspired teaching of its youth, in the judicious supervision and successful administration of programs in higher education, and particularly in the dedicated pursuit of basic research wherein he has made unique and significant contributions in the field of chemical analysis with his development of the magneto-optic apparatus, and in the field of atomic and molecular physics by making the initial announcements of the discoveries of heavy hydrogen and elements 85 and 87; and

WHEREAS, Dr. Allison has been notably honored by many fine institutions of higher learning, by fraternities, and by societies, and the board of trustees of Auburn University desire to bestow upon him one further honor by naming the new physics building at Auburn University in recognition of his excellent performance and his splendid record of achievements; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the new physics building at Auburn University shall be designated and known as THE FRED ALLISON LABORATORY in honor of this great teacher, who continues to serve the youth of the state so well in the enlightened teaching of physics and in the development and supervision of college science programs.

Approved April 23, 1963.

Time: 9:08 P. M.

Act No. 84 H. J. R. 36—Pierce, Goodwyn, Little, Goldthwaite

HOUSE JOINT RESOLUTION

WHEREAS, Nell Rankin, a native Alabamian, is the Metropolitan Opera's leading mezzo-soprano and the only American in history to win the coveted first prize in Geneva's Concours de Musique; and

WHEREAS, Miss Rankin's talent and charms have not only brought her fame, but have also reflected honor and distinction on her native state; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING: That we congratulate Miss Rankin on her out-

standing achievements, are gratified that she has scheduled a concert here in Montgomery and hereby express our deep appreciation of the honor she has brought to Alabama.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives send a copy of this resolution to Miss Nell Rankin.

Approved April 23, 1963.

Time: 9:10 P. M.

Act No. 85 H. 51—Goodwyn, Nettles, Holladay, Burnham, Little, Pierce, Albea, Powell, Camp, Teel, Paulk, Goldthwaite, Meade, Owens, Grouby, Hain, Blanton, McCorquodale, Daniel, Jones (Monroe), Rogers, Hogan, Sessions

AN ACT

To make an appropriation to the Alabama-Coosa River Improvement Association, Incorporated.

Whereas, opening of the Alabama-Coosa River to commercial navigation from the Gulf of Mexico to Rome, Georgia represents a necessary step in the full development of the vast industrial potential of the Alabama and Coosa River basin, representing one third of the area of the state, and the building of additional locks and dams for the Alabama River, marks significant progress toward attainment of that ultimate goal and since this important event is to be commemorated by formal ground breaking ceremonies under the auspices of the Alabama-Coosa River Improvement Association on or about April 17, 1963, at Millers Ferry, in Wilcox County; and whereas it is in the public interest to assure widest possible dissemination of information of this event so as to call nationwide attention to the industrial potential of the additional area to be served; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the general funds of the state the sum of four thousand dollars (\$4,000) to the Alabama-Coosa River Improvement Association, Incorporated, to be used to help pay expenses incurred in or incidental to the conducting of ground breaking ceremonies marking the commencement of work at Millers Ferry, Wilcox County, on additional locks and dams on the Alabama River.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1963.

Time: 9:02 P. M.

Act No. 86

H. 113—Pennington, Baker (Madison),
Reynolds

AN ACT

To amend Act No. 472, H. 901, Regular Session 1947 (Local Acts 1947, p. 331) which regulates the sale of alcoholic beverages in Madison County; providing that the act shall take effect only upon approval of the voters who vote in a referendum held for that purpose; and providing for the referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 472, H. 901, Regular Session 1947 (Local Acts 1947, p. 331), an act regulating the sale of alcoholic beverages in Madison County, is hereby amended to read as follows:

"Section 1. It is unlawful for any person, firm, corporation, or association to sell or offer to sell within Madison County any spirituous or vinous liquor or any beer, lager beer, ale, porter, or similar fermented liquor containing one-half of one percent or more of alcohol by volume, by whatever name the same may be called, outside the police jurisdiction of an incorporated municipality.

"Section 2. Whoever violates this Act is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law."

Section 2. The provisions of Section 1 shall become effective only if approved by a majority of the qualified electors of Madison County who vote in a referendum, which shall be called and held for that purpose on a day not less than thirty nor more than forty-five days after the date of this enactment. The court of county commissioners, board of revenue, or other like governing body of Madison County shall call and provide for holding the referendum as nearly as may be in accordance with the general laws relating to elections on the question of levying special county school taxes. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. _____, _____, enacted by the Legislature of Alabama, regulating further the sale of alcoholic beverages in Madison County be approved? Yes () No ()." If a majority of the votes cast in the referendum are "yes," the provisions of Section 1 of this Act shall become effective immediately; but if the majority are "no," Section 1 of the Act shall have no effect. No petition of voters or request of any kind shall be necessary to put this section in operation. The expense of holding the referendum required by this section shall be apportioned and paid for by Madison County and the City of Huntsville pro rata on a population basis. The results of the election shall be certified to the secretary of state of the State of Alabama by the probate judge of Madison County within thirty days after the date of the referendum.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

This Act became a law on April 27, 1963 without the approval of the Governor under Section 125 of the Constitution.

Act No. 87 H. 163—Locke, Hawkins, Sessions, Vacca, Bowers, Bethea (M), Gilmore, Bethea (B), Brown (Jefferson)

AN ACT

To provide that any recorder of a city having a population of 350,000 or more shall have the power and authority to require an appeal bond in any case appealed to the circuit court or court of like jurisdiction in any reasonable amount not exceeding \$2,500.

Be It Enacted by the Legislature of Alabama:

Section 1. The recorder of any city having a population of 350,000 or more may, with the concurrence of a circuit court judge of the county in which the city is located, require an appeal bond with good and sufficient sureties, payable to the city, in any reasonable amount not exceeding \$2,500, in any case appealed to the circuit court or a court of like jurisdiction from any conviction in the recorders court of such city. Provided, the concurrence of a circuit court judge shall not be required in the case of an appeal where the amount of the bond is fixed at \$300 or less. When the recorder is sitting as a committing magistrate, any reasonable bond may be required without concurrence by a circuit court judge.

Section 2. All laws or parts of laws, general, special, or local, in conflict with this Act are hereby repealed.

Approved May 2, 1963.

Time: 2:40 P. M.

Act No. 88

H. 133—Cook

AN ACT

To propose an amendment to the Constitution authorizing the issuance and sale of warrants payable from the proceeds of special school taxes in Coffee County for the purpose of refinancing any deficit created by proration of school funds prior to June 1, 1963.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Proposed Amendment

In addition to all other purposes for which the county board of education or any city board of education in Coffee County is authorized by law to issue and sell warrants payable out of the proceeds from any special school tax or special tax for educational purposes generally, duly levied pursuant to this Constitution or amendments thereto, the county board of education of Coffee County or the city board of education of any city in such county is authorized to issue and sell warrants payable out of the proceeds of such special taxes for the purpose of refinancing any deficit created by proration of school funds prior to June 1, 1963. Before any warrants are issued hereunder the existence of such deficit and the amount thereof shall be determined by the state department of examiners of public accounts and certified to the board of education desiring to issue the warrants. All warrants issued hereunder shall be issued, sold, redeemed and otherwise handled in the same manner and upon the same terms and conditions as warrants issued pursuant to Article 4, Chapter 10, Title 52, Code of 1940.

Section 2. An election is ordered to be held upon the proposed amendment on the same day as the first state-wide general or special election held in this state at least three months after final adjournment of this session of the legislature, unless a different date is fixed by act or resolution of the Legislature.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House April 9, 1963 as amended.

Passed the Senate April 23, 1963.

Act No. 89

H. 34—Turnham, Hannah, Cantrell, Steagall, Glass, Crawford, Heflin, Doggett, Jones, (Monroe), Meade, Brewer, Young, Martin, Avery, Barnett, Cates, Thomas, Davis, Nabors, Boston, Campbell (Jackson), Paulk, Cooper, Teel, Ingram, Powell, Bolton, Harper, Baker (DeKalb), Camp, Holladay, Burnham, Goldthwaite, Stembridge, Pierce, Little, Goodwyn, Nettles, Engel, Daniel, Bassett, Wood, Edwards (Lowndes), Bailes, Sullivan, Fite,

Snell, Hester, Posey, Campbell (Tuscaloosa), Brown (Tuscaloosa), Jones (Covington), Mashburn, Edwards (Escambia), McCorquodale, Bowers, Salter, Calahan, Rogers, Bevill, Perry, Hawkins, Branyon, Casey, Carr

AN ACT

To amend Code of Alabama, Title 52, Section 197, in relation to paid sick leave allowable to teachers and employees of city boards of education, giving the amendment limited retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, Title 52, Section 197 is hereby amended to read as follows:

"Section 197. The city board of education shall have the authority, under such rules and regulations as may be promulgated from time to time by the state board of education, to provide for the payment from public funds of teachers or other employees of the city board of education who are employed by the year, for not over two weeks which said teacher or employee may be allowed by said board as a vacation, but such vacation must not be allowed during the time the schools are in session; and to provide leaves of absence during the time the schools are not in session for such teachers and employees on part or full pay when such teacher or employee devotes such leave of absence to instructing in or attending schools for teacher training or in such manner as approved by the state board of education as beneficial to the education work of the city; and to provide for the payment of any teachers, whether employed by the year or not, for absences during the time schools are in session where such absence results from sickness or some other unavoidable cause which prevents such teacher from discharging his duties; provided that pay for such absence caused by sickness shall not be allowed for a longer time than forty-five days during any one year and pay for such absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year, and the allowance of any such pay shall at all times be in the discretion of the city board of education."

Section 2. This Act is remedial and shall be given retroactive effect to June 30, 1950. No city superintendent of education, board of education, or member thereof, who in good faith allowed a teacher or employee more than 20 but less than 46 days of paid sick leave in any one year after the scholastic year ending June 30, 1950, shall be chargeable with any over-payment of sick leave to any such person.

Approved May 3, 1963.

Time: 3:16 P. M.

Act No. 90

H. 35—Trunham, Hannah, Cantrell, Steagall, Glass, Crawford, Heflin, Doggett, Jones (Monroe), Meade, Brewer, Young, Martin, Avery, Barnett, Cates, Thomas, Davis, Nabors, Boston, Campbell (Jackson), Paulk, Cooper, Teel, Ingram, Powell, Bolton, Harper, Baker (DeKalb), Camp, Holladay, Burnham, Goldthwaite, Stembridge, Pierce, Little, Goodwyn, Nettles, Daniel, Edington, Bassett, Wood, Edwards (Lowndes), Bailes, Sullivan, Fite, Carr, Snell, Hester, Posey, Campbell (Tuscaloosa), Brown (Tuscaloosa), Jones (Covington), Mashburn, Edwards (Escambia), McCorquodale, Bowers, Salter, Callahan, Rogers, Bevill, Perry, Casey, Hawkins, Branyon

AN ACT

To amend Code of Alabama, Title 52, Section 136, in relation to paid sick leave allowable to teachers and employees of county boards of education, giving the amendment limited retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, Title 52, Section 136 is hereby amended to read as follows:

"Section 136. The county board of education shall have the authority, under such rules and regulations as may be promulgated from time to time by the state board of education to provide for the payment from public funds of teachers or other employees of the county board of education who are employed by the year for not over two weeks which said teacher or employee may be allowed by said board as a vacation, but such vacation must not be allowed during the time the schools are in session; and to provide leaves of absence during the time the schools are not in session for such teachers and employees on part or full pay when such teacher or employee devotes such leave of absence to instructing in or attending schools for teacher training or in such manner as approved by the state board of education as beneficial to the educational work of the county; and to provide for the payment of any teachers, whether employed by the year or not, for absences during the time schools are in session where such absence results from sickness or some other unavoidable cause which prevents such teacher from discharging his duties; provided that pay for such absence caused by sickness shall not be allowed for a longer time than forty-five days during any one year and pay for such absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year, and the allowance of any such pay

shall at all times be in the discretion of the county board of education."

Section 2. This Act is remedial and shall be given retroactive effect to June 30, 1950. No county superintendent of education, board of education, or member thereof, who in good faith allowed a teacher or employee more than 20 but less than 46 days of paid sick leave in any one year after the scholastic year ending June 30, 1950, shall be chargeable with any over-payment of sick leave to any such person.

Approved May 3, 1963.
Time: 3:15 P. M.

Act No. 91 H. 37—Turnham, Heflin, Hannah, Baker (De-Kalb), Holladay, Nabors, Steagall, Drake, Young, Salter, Daniel

AN ACT

Proposing an amendment to the Constitution relative to state income taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Proposed Amendment

"The legislature shall have power to levy and provide for the collection of taxes for state purposes on net income of corporations, from whatever source derived, for the calendar year 1963, or for any fiscal year beginning in the calendar year 1963, and each year thereafter, at a rate not exceeding five percent. However, all federal income taxes paid or accrued within the taxable year by corporations shall always be deductible in computing net income taxable under the income tax laws of this state, provided that in the case of foreign corporations the amount of federal income tax deductible shall be in proportion to income derived from sources within Alabama, to be determined in accordance with such laws as the legislature may enact."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House April 16, 1963.

Amended and Passed the Senate April 23, 1963.

House concurred in Senate Amendment May 3, 1963.

Act No. 92 H. 101—Fite, Hester, Brewer, Young, Wood, Glass, Hannah, Bassett, Bevill, Davis, Turnham, Burns, McCorquodale, Crawford, Snell, Cooper, NeSmith, Branyon, Martin, Edwards (Lowndes), Holladay, Grouby, Campbell (Jackson), Powell, Bolton, Hain, Blanton, Jones (Covington), Daniel, Turner (Limestone), Nabors, Avery, Reynolds, Cantrell, Thomas, Owens, Edwards (Escambia), Cates, Moore, Nettles, Stembridge, Doggett, Heflin, Scurlock, Posey, Baker (DeKalb), Sullivan, Carr, Salter, Casey, Cook

AN ACT

To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 29 of the Code of 1940, as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; and to supersede and repeal Act No. 358 adopted at the 1945 Regular Session of the Legislature of Alabama and Act No. 66 adopted at the Second Extraordinary Session of 1955 of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The words and phrases "person", "malt or brewed beverages", "sale" and "sell", wherever used in this Act, shall have the meanings respectively ascribed to them in Section 1 of Title 29 of the Code of Alabama of 1940.

Section 2. Levy of Tax. In addition to all other taxes now imposed by law, and in addition to the licenses provided for by Title 29 of the Code of Alabama of 1940, as amended, there is hereby levied a privilege or excise tax on every person licensed under the provisions of Title 29 of the Code of Alabama of 1940

who sells, stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any malt or brewed beverages. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of malt or brewed beverages, and shall be an amount equal to three and one-half cents for each twelve fluid ounces or fractional part thereof.

Section 3. Collection. The tax hereby levied shall be collected by the Alcoholic Beverage Control Board in the same manner as other taxes and license fees are collected by it.

The tax shall be added to the sales price of all malt or brewed beverages sold, and shall be collected from the purchasers. It shall be unlawful for any person, firm, corporation, club or association who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent for the state for the collection and payment of the tax.

Section 4. Distribution of Proceeds. The proceeds of the tax herein levied shall be distributed as follows:

(a) one-seventh of said proceeds shall be paid into the State Treasury to the credit of the sixty-seven counties in the State and shall be divided and distributed equally on or before the 15th day of each month to the said counties;

(b) two-sevenths of said proceeds shall be paid into the State Treasury to the credit of the State Public Welfare Trust Fund and shall be used for old age assistance purposes only;

(c) The residue of said proceeds thereafter remaining shall be paid into the State Treasury to the credit of the Alabama special educational trust fund, and so much thereof as may be necessary for the purpose is hereby appropriated to pay the principal of and interest on bonds, not exceeding \$15,000,000 in aggregate principal amount, issued and sold by the public corporation known as the Alabama Trade School and Junior College Authority.

Section 5. Repealer Provisions. This Act supersedes Act No. 358 adopted at the Regular Session of 1945 of the Legislature of Alabama and Act No. 66 adopted at the Second Extraordinary Session of 1955 of the said Legislature. Said Acts No. 358 and No. 66 are hereby repealed, but nothing herein shall be construed to relieve any person from any tax liability, penalty or forfeiture incurred under either of said Acts No. 358 and No. 66 before the effective date of this Act, and nothing herein contained shall be

construed to repeal any provision of law respecting the enforcement of any such tax liability, penalty or forfeiture.

Section 6. Severability Clause. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 7. Effective Date of Act. This Act shall become effective on the first day of the month succeeding the month during which this Act shall be approved by the Governor or shall otherwise become law.

Approved May 3, 1963.
Time: 4:10 P. M.

Act No. 93 H. 102—Fite, Hester, Young, Brewer, Wood, Glass, Hannah, Bassett, Beville, Davis, Turnham, McCorquodale, Crawford, Snell, Cooper, NeSmith, Branyon, Martin, Edwards (Lowndes), Holladay, Moore, Owens, Cantrell, Thomas, Burns, Edwards (Escambia), Cates, Nettles, Stembridge, Doggett, Heflin, Scurlock, Posey, Baker (DeKalb), Sullivan, Carr, Salter, Casey, Cook, Grouby, Campbell (Jackson), Camp, Bolton, Powell, Hain, Blanton, Jones (Covington), Daniel, Turner (Limestone), Nabors, Avery, Reynolds

AN ACT

To authorize the Governor, the Director of Finance, and the State Superintendent of Education to become a corporation, to be known as the Alabama Trade School and Junior College Authority, for the object of providing for the construction and equipment of educational institutions within the State of the types known as junior colleges and trade schools and making capital improvements at existing trade schools and at institutions of higher learning heretofore or hereafter established; to prescribe the manner of formation of said Authority; to designate the members, directors, and officers of the Authority; to prescribe the powers of Authority, including the power to acquire and improve sites for junior colleges and additional trade schools, the power to construct, acquire, reconstruct, improve and alter buildings therefor, the power to purchase, acquire and install the original equipment therefor, and the power to sell and issue bonds to provide funds for the purpose of constructing, improving and equipping such trade schools and junior colleges; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of the State and its instrumentalities and agencies, and for investment of fiduciary funds; to provide that bonds issued and contracts entered into by the Authority shall not constitute or create an obligation or debt of the State; to provide that all bonds issued by the

Authority may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to provide that all contracts for purchase of equipment or for construction shall be let on competitive bids; to provide for the supervision by the State Building Commission of the preparation of plans and specifications and construction work for the Authority; to provide that any site designated for location thereon of a trade school or junior college must be a site donated to the Authority; to make an appropriation and pledge of funds necessary to pay the principal of and interest on the bonds of the Authority; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that the bonds issued by the Authority shall be deemed to be negotiable instruments; to provide that the State Treasurer shall be treasurer and custodian of the funds of the Authority; and to provide for the dissolution of the Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings of Fact and Declaration of Intent. The Legislature hereby makes the following findings of fact and declares its intent to be as follows: The number of students enrolled in trade schools and colleges supported wholly or in part by the State has increased greatly during recent years. Further increases in enrollment are anticipated because of the increased rate of births, the increased need for skilled workers, and other factors. In order to meet these needs and to provide residents of this State with the opportunity to receive adequate instruction in the arts and sciences and in useful skills and trades, it is imperative that junior colleges and additional trade schools be constructed, equipped and operated. The tax revenues and other funds currently available for trade schools and junior colleges are not sufficient to permit immediate outlays of the large amounts of capital necessary for such construction and equipment and at the same time to permit the State Board of Education to meet current expenses for operation and maintenance. The most feasible way in which the urgent need for the construction of buildings and the purchase of equipment can be met is by anticipating the receipt of a portion of the revenues devoted by law to educational institutions of the types known as trade schools and junior colleges by capitalizing such revenues, to the end that such revenues may be applied for retirement of the costs of such construction and equipment as such revenues are received during the useful life of said buildings and equipment. It is necessary and desirable that said revenues be anticipated in the manner hereinafter provided for the purpose of effecting the needed capital outlays. It is the intention of the Legislature by the passage of this Act to authorize the formation of a public corporation for the purpose of providing for the construction and equipment of additional trade schools and junior colleges, and to make capital improvements at existing trade schools and at institutions of higher learning heretofore or hereafter established; and to authorize said corporation for that purpose to anticipate

those portions of the privilege or excise tax hereinafter referred to that is required by law to be paid into the Alabama special educational trust fund by issuing the bonds of said corporation payable out of and secured by a pledge of said portion of the said privilege or excise tax. This Act shall be liberally construed in accordance with this intent.

Section 2. Definitions. Unless otherwise required by the context, as used herein:

"Authority" means the Alabama Trade School and Junior College Authority organized under the provisions of this Act.

"Bonds" means the bonds issued under the provisions of this Act.

"Building Commission" means the Alabama Building Commission.

"Junior college" means an educational institution offering instruction in the arts and sciences on the level of difficulty of the first two years above high school level.

"Original equipment" means the total original equipment, machinery and facilities acquired and installed or stored in a trade school or junior college for purposes of instruction, operation and maintenance.

"State" means the State of Alabama.

"Trade school" means an educational institution offering instruction primarily in useful trades, occupations or vocational skills.

Pronouns used in this Act shall be deemed to include all appropriate genders.

Section 3. Authorization to Form Public Corporation. The Governor, the Director of Finance, and the State Superintendent of Education may become a public corporation with the powers hereinafter provided, by proceeding according to the provisions of Section 4.

Section 4. Manner of Formation. To become a corporation, the Governor, the Director of Finance, and the State Superintendent of Education shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (a) the name, official designation, and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office; (b) the date on which each applicant was inducted into office and the term of office of each applicant; (c) the name of the proposed corporation, which shall be the Alabama Trade School and Junior College Authority; (d) the location of the principal office of the proposed corporation;

and (e) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this State to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. Issuance of Certificate of Incorporation. When the application has been made, filed, and recorded as herein provided the applicants shall constitute a corporation under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the Great Seal of the State and shall record the certificate with the application. No fees or compensation shall be paid to the Secretary of State for any service rendered or work performed in connection with the Authority, its incorporation, dissolution or records.

Section 6. Members, Officers, and Proceedings of the Authority. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall be the president of the Authority, the State Superintendent of Education shall be the vice-president thereof, and the Director of Finance shall be the secretary thereof. The State Treasurer shall be treasurer of the Authority, shall act as custodian of the funds of the Authority, and shall pay the principal of and interest on the bonds of the Authority out of the funds hereinafter provided for. The members of the Authority shall constitute all the members of the board of directors of the Authority, and any two members of the board of directors shall constitute a quorum for the transaction of business. Should any person holding any State office named in this section cease to hold office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member and officer of the Authority. No member, officer, or director of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the Authority, shall be signed by the members of the Authority, and shall be recorded in a substantially bound book, which shall be kept in the office of the Secretary of State. Copies of such proceedings, when certified by the Secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. Powers of Authority. The Authority shall have the following powers: (a) to have succession by its corporate name until dissolved as hereinafter provided; (b) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto; (c) to have and to use a corporate seal and to alter the seal at pleasure; (d) to establish a fiscal year; (e) to provide for acquiring and improving sites for additional trade schools and junior colleges, constructing, acquiring, reconstructing, improving and altering buildings therefor and purchasing, acquiring and installing the original equipment thereof, and to make capital improvements to existing trade schools and at institutions of higher learning heretofore or hereafter established; (f) to anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged; (g) as security for the payment of the principal of and interest on its bonds, to pledge the proceeds of the appropriations and pledges herein provided for; and (h) to appoint and employ such attorneys and agents as the business of the Authority may require.

Section 8. Determining Location of Trade Schools and Junior Colleges; Site Must Be Donated. The location of each new trade school or junior college for which the Authority provides funds shall be determined by the State Board of Education after consideration of the needs of industry for particular skills in the area under consideration, the convenience and accessibility of the location to labor markets and to potential students or applicants for training, an estimate of the number of potential students or applicants in the area, and such other factors as might demonstrate the existence of a need for a trade school or junior college in such area. No funds of the Authority shall be expended for the acquisition of sites or existing buildings, but nothing herein contained shall be construed to prohibit the use of funds of the Authority for the purpose of improving sites or reconstructing, altering or improving buildings donated to the Authority. No such trade school or junior college shall be built on a site other than one donated to the Authority.

Section 9. Procedures, and Limitations on Expenditures, for Building and Equipping Trade Schools and Junior Colleges. All contracts entered into by the Authority involving the expenditure of funds in the preparation of plans and specifications, and all work done with respect to the construction of buildings involving the expenditure of funds of the Authority, shall be let on competitive bids in the same manner and according to the same procedure as contracts for public works are awarded as prescribed in Act No. 492 adopted at the 1947 Regular Session of the Legislature of Alabama, as amended.

The preparation of all plans and specifications for any building constructed wholly or in part with any of the money, and all

work done hereunder in regard to the construction, reconstruction, alteration, and improvement of buildings, shall be supervised by the Alabama Building Commission, or any agency that may be designated by the Legislature as its successor. The Authority and the Building Commission shall agree to a construction cost estimate for each building constructed wholly or in part with any of the funds provided for in this Act, and the Authority shall reimburse the Building Commission for its reasonable direct costs in having plans, specifications and contract documents prepared and in supervising and inspecting the work.

The Authority shall purchase and install the original equipment necessary to place each such additional trade school and junior college in a condition of efficient operation. Such equipment shall be purchased on the basis of competitive bidding, to be conducted in the same manner and according to the same procedure as provided for State purchases in Act No. 343 adopted at the 1957 Regular Session of the Legislature of Alabama, as amended, except that the purchasing procedure shall be conducted by the Authority instead of the State purchasing agent.

Not more than one million five hundred thousand dollars (\$1,500,000.00) shall be expended by the Authority with respect to any one trade school or junior college.

Section 10. Authorization to Issue Bonds. The Authority may from time to time sell and issue its bonds, not exceeding fifteen million dollars (\$15,000,000.00) in aggregate principal amount, for the purpose of providing funds for the construction and equipment of trade schools and junior colleges, including the improvement of sites therefor, the construction of buildings and the reconstruction, improvement and alteration of existing buildings therefor, and the acquisition, purchase and installation of original equipment therefor. No part of the proceeds from the sale of the bonds may be used to pay the cost of the acquisition, by purchase or otherwise, of real estate to be used as a site for any such school or college or any building connected therewith or the acquisition, by purchase or otherwise, of any existing building.

Section 11. Details Respecting the Bonds. The bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons

in lieu of his signing the same. Any bonds of the Authority may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, shall be payable at such times and evidenced in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than thirty years after its date. All bonds of the Authority having specified maturity dates more than ten years after their date shall be made subject to redemption at the option of the Authority not later than the end of the tenth year after their date, and on any interest payment date thereafter, under such terms and conditions as may be provided in the resolution or resolutions under which such bonds are authorized to be issued. Bonds of the Authority may be sold from time to time as the board of directors may consider advantageous, but bonds of the Authority must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed from their date to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper customarily published in the State of Alabama not less than five days during each calendar week, each of which notices must be published one time not less than ten days before the date fixed for the sale. The board of directors may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. Approval by the Governor of Alabama of the terms and conditions under which any bonds of the Authority may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the Governor. Such approval by the Governor may be shown on any such bond by a facsimile of his signature printed or otherwise reproduced thereon, when authorization of such facsimile is contained in the said approval signed by him. The Authority may pay out of the proceeds of the sale of its bonds all expenses, including fees of agents and attorneys, which the said board of directors may deem necessary or advantageous in connection with the issuance of such bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds

appropriated and pledged therefor in Section 14 of this Act. As security for the payment of the principal of and interest on the bonds issued by it, the Authority is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in Section 14 of this Act for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges; provided, however, that any pledge for the benefit of refunding bonds that may be issued in compliance with the provisions of the fourth sentence of Section 12 hereof shall have the same priority as the pledge for the benefit of the bonds refunded thereby. Contracts made and bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State of Alabama. Bonds issued by the Authority shall be deemed to be negotiable instruments although payable solely from a specified source, as provided herein. All bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the State of Alabama. Any bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the State, or to any instrumentality or agency of the State, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest fiduciary or trust funds in bonds of the Authority. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be prerequisite to the issuance of bonds by the Authority.

Section 12. Refunding Bonds. The Authority may from time to time issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding. Any premium that may be necessary to redeem or retire the bonds to be refunded and all expenses of issuing the refunding bonds may be paid out of the proceeds from the sale of the refunding bonds. The principal of the refunding bonds shall not exceed the principal of the bonds to be refunded plus any such premium and expenses. If the total of the principal and interest maturing with respect to any refunding bonds, during each fiscal year in which any of the bonds secured on a parity with the bonds to be refunded have a stated maturity, does not exceed the total of the principal and interest that would have matured during the same fiscal year on the said bonds to be refunded, then the refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled. Except in cases covered by the preceding sentence,

all pledges for the benefit of refunding bonds shall be subject to pledges theretofore made for the benefit of all bonds of the Authority then outstanding. All the provisions of Section 11 of this Act shall apply to the refunding bonds issued under this Act.

Section 13. Deposit of and Disbursements from Bond Proceeds. The proceeds of all bonds, other than refunding bonds, issued by the Authority remaining after paying expenses of their issuance shall be deposited in the State Treasury and shall be carried in the State Treasury in a special or separate account. Such funds shall be subject to be drawn upon by the Authority and shall be used solely for the purposes for which the bonds were issued as authorized in this Act.

Section 14. Revenues of the Authority. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on all bonds issued by it under the provisions of this Act, and to accomplish the objects of its creation, there is hereby irrevocably pledged to such purpose and hereby appropriated such amount of money as may be necessary for said purpose out of the residue of the receipts from the privilege or excise tax levied by the Act adopted at the Extraordinary Session of the Legislature of Alabama that convened on March 19, 1963, which Act is entitled "An Act to raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 29 of the Code of 1940, as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; and to supersede and repeal Act No. 358 adopted at the 1945 Regular Session of the Legislature of Alabama and Act No. 66 adopted at the Second Extraordinary Session of 1955 of the Legislature of Alabama", after there shall have been taken from said receipts the amounts necessary to meet all prior charges thereon, including the amounts specified in subsections (a) and (b) of Section 4 of the Act levying said tax, said residue constituting that portion of the receipts from the said tax that is now required by law to be paid into the Alabama special educational trust fund. The moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds of the Authority.

Section 15. Disbursement of Funds. Out of the revenues appropriated and pledged in Section 14 hereof, the State Treasurer is hereby authorized and directed to pay the principal of and interest on the bonds issued by the Authority under the provisions of this Act, as such principal and interest shall respectively mature, and the State Treasurer is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 16. Dissolution of Authority. At any time when no bonds of the Authority are outstanding, the Authority may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the members of the Authority and sworn to by each member before an officer authorized to take acknowledgments to deeds. Upon the filing of such application for dissolution, the Authority shall cease to exist. The Secretary of State shall file and record the application for dissolution, in an appropriate book of record in his office, and shall make and issue, under the Great Seal of the State, a certificate that the Authority is dissolved, and shall record such certificate with the application for dissolution. Title to all property held in the name of the Authority shall be vested in the State upon dissolution of the Authority.

Section 17. Severability Clause. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 18. Citation of Act. This Act may be cited as the Alabama Trade School and Junior College Authority Act.

Section 19. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 3, 1963.

Time: 4:11 P. M.

Act No. 94 H. 103—Fite, Hester, Brewer, Young, Wood, Glass, Hannah, Bassett, Bevill, Davis, Turnham, McCorquodale, Crawford, Snell, Cooper, NeSmith, Branyon, Martin, Edwards (Lowndes), Holladay, Cantrell, Thomas, Owens, Burns, Edwards (Escambia), Cates, Moore, Nettles, Stenbridge, Doggett, Heflin, Scurlock, Posey, Baker (DeKalb), Sullivan, Carr, Casey, Salter, Cook, Grouby, Campbell (Jackson), Camp, Powell, Bolton, Hain, Blanton, Jones (Covington), Daniel, Turner (Limestone), Nabors, Avery, Reynolds

AN ACT

To vest in the State Board of Education the authority and responsibility for the operation, management, control, supervision, maintenance, regulation, upkeep, improvement, equipment, and enlargement of, and additions to, educational institutions of the types known as trade schools

and junior colleges authorized by the provisions of the Alabama Trade School and Junior College Authority Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions:

“Board” means the State Board of Education.

“Junior college” means an educational institution offering instruction in the arts and sciences on the level of difficulty of the first two years above high school level.

“State” means the State of Alabama.

“Trade school” means an educational institution offering instruction primarily in useful trades, occupations, or vocational skills.

Section 2. Management and Control. Following the completion of buildings and the installation of original equipment for the additional educational institutions of the types known as trade schools and junior colleges authorized by the provisions of the Alabama Trade School and Junior College Authority Act, the State Board of Education shall assume the responsibility for operating and maintaining said additional educational institutions. For that purpose, there is hereby vested in the State Board of Education the authority and responsibility for the operation, management, control, supervision, maintenance, regulation, upkeep, improvement, equipment, and enlargement of and additions to such additional educational institutions. The State Board of Education, upon recommendation of the State Superintendent of Education, shall: Make rules and regulations for the government of such additional educational institutions; prescribe the courses of study to be offered and the conditions for granting certificates or diplomas; appoint the president of each such additional educational institution and, upon the president's recommendation, appoint the members of the faculty and affix the tenure and salary of each; direct and supervise the expenditure of legislative appropriations for the use of such additional educational institutions; accept gifts, donations, devises, and bequests of money and real and personal property for the purposes of this Act; disseminate information concerning and promote interest in such additional educational institutions among the pupils of public schools; and make such rules and regulations as the board shall deem advisable for the government of such additional educational institutions.

Section 3. Interpretation of this Act. This Act shall not be construed as repealing any provision of the Alabama Trade School and Junior College Authority Act enacted at the Second Special Session of 1963 of the Legislature of Alabama.

Section 4. Severability Clause. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 5. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 3, 1963.

Time: 4:12 P. M.

Act No. 95

H. J. R. 54—Callahan

HOUSE JOINT RESOLUTION

WHEREAS, Sir Winston Churchill at 88 years of age has sadly announced his retirement from political life, which began at the age of 26 and has spanned the reigns of Queen Victoria, King Edward VII, George V, Edward VIII, George VI, and Queen Elizabeth II, encompassing perhaps the most momentous and catastrophic events in recorded history; and

WHEREAS, throughout this period of time no living person has played a more vital role in shaping the destiny of Western civilization than has Sir Winston Churchill, as prophet, seer, warrior, and statesman, whose effectiveness was amplified manyfold by a gift of unexcelled eloquence of speech, a rare ability of composition, and the genius of identifying the highest ideals of Western civilization with those of the common man; and

WHEREAS, the debt of all free men to Sir Winston Churchill may never be fully evaluated, it shall nonetheless never be forgotten and the inspiration of his courage and his ringing challenge to free men shall continue to reverberate throughout the world from generation to generation wherever freedom is cherished; and in recognition of this debt and in response to his challenge we dedicate ourselves to service in man's continuous struggle to retain freedom from the tyranny of totalitarian governmental authority by whatever name called and whatever guise in which it may pose; and

WHEREAS, there is little meaningful honor within our power to bestow upon one who has been termed the "most honored" man in the world, we nevertheless do wish to express our admiration of Sir Winston Churchill the man, and honorary citizen of the United States, and to record our own feeling of sadness on the occasion of his retirement from public life; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to Sir Winston Churchill a warm and cordial greeting and send him our best wishes for continued health, happiness, and influence for good, together with the assurance of our great admiration and feeling of sadness on his retirement from public life.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the British Embassy in Washington, D. C. for transmission to Sir Winston Churchill, and for transmission to the appropriate newspapers with largest circulation in the constituencies of Epping and Woodford which he so ably represented in the House of Commons.

Approved May 6, 1963.
Time: 9:05 A. M.

Act No. 96

H. 124—Nettles

AN ACT

To authorize municipalities in this state, in anticipation of the issuance of revenue bonds under Sections 308 to 340, inclusive, of Title 37 of the Code of Alabama of 1940, as amended, to borrow money temporarily and in evidence of such borrowing to issue its limited or special obligation interest-bearing notes, and to specify the details pertaining to said borrowing and notes.

Be It Enacted by the Legislature of Alabama:

Section 1. Any municipality in the state may at any time and from time to time, in anticipation of the sale and issuance of revenue bonds under the provisions of Sections 308 to 340, inclusive, of Title 37 of the Code of Alabama of 1940, as amended, borrow money for temporary use for any purpose or purposes for which revenue bonds are authorized to be issued under said sections, and in evidence of such borrowing may issue interest-bearing notes. Each such note shall be a limited or special obligation of the issuing municipality payable, as to both principal and interest, solely from the same revenues out of which such revenue bonds are proposed to be issued or from the proceeds from the sale of such revenue bonds, or from both said revenues and said bond proceeds, shall be made payable not later than twenty-four (24) months after its date, shall be signed as the governing body of said municipality may prescribe, may be sold at public or private sale, and may be renewed from time to time; provided, that no such renewal shall be made which shall extend the final date for payment of such note to more than three (3) years from the date of the original borrowing. When the municipality shall issue the revenue bonds in anticipation of which any note or notes

were issued hereunder, the municipality shall retire the said note or notes and the interest thereon out of the proceeds derived from the sale of the said revenue bonds. In issuing any such temporary notes, the municipality shall not be subject to any requirement, condition or limitation contained in any other law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 6, 1963.

Time: 4:10 P. M.

Act No. 97

H. 56—Slate, Brewer

AN ACT

To amend Title 55, Section 241, Code of Alabama 1940, relating to the protection provided by written opinions of the Attorney General; providing for severability of section or other division or parts of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 241, Title 55, Code of Alabama 1940, be, and the same is hereby amended to read as follows:

“Section 241. Written opinion of Attorney General protects officer.—The written opinion of the Attorney General heretofore, or hereafter, secured by any officer, board, local governing body or agency legally entitled to secure such opinion shall protect such officer, and the members of such board, local governing body or agency to whom it is directed or for whom the same is secured from liability to either the State, county or other municipal subdivisions of the State, because of any official act or acts heretofore, or hereafter, performed as directed or advised in such opinion.”

Section 2. In the event any part or portion of this act shall be declared unconstitutional, such event shall not affect the force and effect of the remaining portion thereof.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 8, 1963.

Time: 11:28 A. M.

Act No. 98

H. 168—Reynolds, Pennington

AN ACT

To alter, re-arrange and extend the boundary lines and corporate limits of the City of Huntsville in Madison County, Alabama, so as to annex certain territory to the City.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of Huntsville, Madison County, are hereby altered, re-arranged, and extended so as to include within the corporate limits of the City the following described territory situated in Madison County, Alabama, to-wit:

All that part of Section 34 and 35, Township 2 South, Range 1 West, Sections 2, 3, 4, 10 and 11, Township 3 South, Range 1 West; Madison County, Alabama, particularly described as beginning at the intersection of the West margin of Pulaski Pike and the center of Winchester Road; said place of beginning is more particularly described as being the center of said Section 10, Township 3 South, Range 1 West; said place of beginning is further described as being the Northwest corner of the present corporate boundary of the City of Huntsville; thence from the place of beginning East along Winchester Road 7920.0 feet to the center of the East boundary of Section 11, Township 3 South, Range 1 West; thence North 6600.0 feet to the center of the East boundary of the Northeast Quarter of Section 2, Township 3 South, Range 1 West; thence West 1320.0 feet to the center of the Northeast Quarter of Section 2, Township 3 South, Range 1 West; thence North 1320.0 feet to the center of the North boundary of the Northeast Quarter of Section 2, Township 3 South, Range 1 West; thence West 1320.0 feet to the center of the North boundary of Section 2, Township 3 South, Range 1 West; thence North 1320.0 feet to the center of the East boundary of the Southwest Quarter of Section 35, Township 2 South, Range 1 West; thence West 3960.0 feet to the center of the Southwest Quarter of Section 35, Township 2 South, Range 1 West; thence South 660.0 feet to the centerline of the West boundary of the Southeast quarter of the Southeast quarter of Section 34, Township 2 South, Range 1 West; thence West 1320.0 feet to the center of the West boundary of the Southwest quarter of the Southeast quarter of Section 34, Township 2 South, Range 1 West; thence South 1980.0 feet to the center of the East boundary of the Northwest Quarter of Section 3, Township 3 South, Range 1 West; thence West 5280.0 feet to the center of the West boundary of the Northeast Quarter of Section 4, Township 4 South, Range 1 West; thence South 3300 feet to the center of the West boundary of the Southwest Quarter of the Southeast Quarter of Section 4, Township 3 South, Range 1 West; thence East 1320.0 feet to the center of the East boundary of the Southwest Quarter of the Southeast Quarter of Section 4,

Township 3 South, Range 1 West; thence South 660.0 feet to the center of the South boundary of the Southeast Quarter of Section 4, Township 3 South, Range 1 West; thence East along the South boundary of Sections 3 and 4, 2340.0 feet to the center of Pulaski Pike; thence Southeastwardly along the centerline of Pulaski Pike 2905.0 feet to its intersection with the Quarter section line of said Section 10, Township 3 South, Range 1 West; thence South along the Quarter Section line of said Section 10, 430.0 feet to the center of Section 10, Township 3 South, Range 1 West to the place of beginning.

and also

All that part of Sections 30 and 31, Township 3 South, Range 1 West, Sections 6 and 7, Township 4 South, Range 1 West; Sections 35 and 36, Township 3 South, Range 2 West and Sections 1, 2, 11 and 12, Township 4 South, Range 2 West; Madison County, Alabama; particularly described as beginning at a point on the West boundary of the corporate limits of the City of Huntsville, Alabama, which point is further described as being located at the Southwest corner of the corporate limits of the City of Huntsville and is also described as being located at the intersection of the South margin of the right-of-way of the Southern Railway with the East boundary of the Northwest Quarter of Section 7, Township 4 South, Range 1 West; thence North along the City of Huntsville Corporate limits 9,595 feet to the corner of Section 31, Township 3 South, Range 1 West; thence East 2,640 feet to the center of the East boundary of Section 31, Township 3 South, Range 1 West; thence North 2,640 feet to the Northeast corner of Section 31, Township 3 South, Range 1 West; thence West 2,850 feet to the center of Athens Pike or U. S. Highway 72; thence North 71 degrees West along the center line of Athens Pike or U.S. Highway 72, 2,500 feet to a point on the West boundary of Section 30, Township 3 South, Range 1 West; thence South 815 feet to the Northeast corner of Section 36, Township 3 South, Range 2 West; thence West 7,920 feet to the center of the North boundary of Section 35, Township 3 South, Range 2 West; thence South 15,710 feet to a point on the West boundary of the Southeast quarter of Section 11, Township 4 South, Range 2 West; said point is further described as being located on the North margin of the Southern Railway right-of-way; thence North 71 degrees East along the North margin of the Southern Railway right-of-way 1,475 feet to a point in the center line of Indian Creek; thence North along the center line of Indian Creek and along the West boundary of the Georgia Industrial Realty Company lands a distance of 5,900 feet to a point on the North boundary of the Northeast quarter of Section 11, Township 4 South, Range 2 West; thence East 4,600 feet to the Northeast corner of the Georgia Industrial Realty Company lands; said point is further described as being located on the North boundary of the North-

east quarter of Section 12, Township 4 South, Range 2 West; thence South 0 degrees 15 minutes West 1,990 feet; thence South 89 degrees 45 minutes East 850.1 feet; thence South 0 degrees 15 minutes West 815 feet to a point on the South margin of the Southern Railway right-of-way; thence North 71 degrees East along the South margin of the Southern Railway right-of-way 3,400 feet to the place of beginning.

and also

All that part of Sections 10 and 15, Township 3 South, Range 1 West, Madison County, Alabama, particularly described as beginning at the Northwest corner of said Section 10, Township 3 South, Range 1 West; thence from the place of beginning East along the North boundary of said Section 10, 1020 feet to the centerline of Pulaski Pike; thence southeastwardly along the centerline of Pulaski Pike 2905 feet to its intersection with the Quarter Section line of said Section 10, Township 3 South, Range 1 West; thence South along the Quarter Section line 3000 feet to the South boundary of the W. E. Darnell tract; thence westwardly along the South boundary of the W. E. Darnell tract 2640 feet to the West boundary of said Section 15, Township 3 South, Range 1 West; thence Northwardly along the West boundary of said Sections 15 and 10, Township 3 South, Range 1 West 5727 feet to the place of beginning and containing 323 acres, more or less.

Also the North $\frac{1}{4}$, S. 15, T. 3 S., Range 1 West, less and except a uniform strip of land of 447 feet depth off the entire North side of said one-quarter section.

and also

All that part of Sections 9, 16, 21, 22, 27, 28, 32 and 33, Township 4 South, Range 1 East, and Sections 4, 5, 8, 9, 16, 17 and 20, Township 5 South, Range 1 East, Madison County, Alabama, particularly described as beginning at the center of the East boundary of the Southwest quarter of Section 9, Township 4 South, Range 1 East, which point is further described as being located on the East boundary of the corporate limits of the City of Huntsville, Alabama; thence West along the corporate boundary of the City of Huntsville 2,640 feet to the center of the West boundary of the Southwest quarter of Section 9, Township 4 South, Range 1 East; thence North 2,640 feet to the center of the West boundary of the Northwest quarter of Section 9, Township 4 South, Range 1 East; thence East 2,640 feet to the center of the East boundary of the Northwest quarter of Section 9, Township 4 South, Range 1 East; thence South leaving the present corporate limits of the City of Huntsville, 2,640 feet to the center of the West boundary of the Southeast quarter of Section 9, Township 4 South, Range 1 East; thence East 1,320 feet to the center of the Southeast quarter of Section 9, Township 4 South,

Range 1 East; thence South 1,320 feet to the center of the South boundary of the Southeast quarter of Section 9, Township 4 South, Range 1 East; thence East 1,320 feet to the Northeast corner of Section 16, Township 4 South, Range 1 East; thence South 5,280 feet to the Southeast corner of Section 16, Township 4 South, Range 1 East; thence East 2,640 feet to the center of the North boundary of Section 22, Township 4 South, Range 1 East; thence South 10,560 feet to the center of the South boundary of Section 27, Township 4 South, Range 1 East; thence West 2,640 feet to the Northeast corner of Section 33, Township 4 South, Range 1 East; thence South 10,560 feet to the Southeast corner of Section 4, Township 5 South, Range 1 East; thence West 1,320 feet to the center of the North boundary of the Northeast quarter of Section 9, Township 5 South, Range 1 East; thence South 2,640 feet to the center of the South boundary of the Northeast quarter of section 9, Township 5 South, Range 1 East; thence West 1,320 feet to the center of Section 9, Township 5 South, Range 1 East; thence South 2,640 feet to the center of the South boundary of Section 9, Township 5 South, Range 1 East; thence West 1,320 feet to the center of the South boundary of the Southwest quarter of Section 9, Township 5 South, Range 1 East; thence South 2,640 feet to the center of the South boundary of the Northwest quarter of Section 16, Township 5 South, Range 1 East; thence West 660 feet to the center of the North boundary of the Northwest quarter of the Southwest quarter of Section 16, Township 5 South, Range 1 East; thence South 2,640 feet to the center of the South boundary of the Southwest quarter of the Southwest quarter of Section 16, Township 5 South, Range 1 East; thence West 660 feet to the Southwest corner of Section 16, Township 5 South, Range 1 East; thence South 1,320 feet to the center of the East boundary of the Northeast quarter of Section 20, Township 5 South, Range 1 East; thence West 2,640 feet to the center of the West boundary of the Northeast quarter of Section 20, Township 5, Range 1 East, which point is further described as being the Southeast corner of the present corporate boundary of the City of Huntsville; thence along the Eastern boundary of the corporate limits of the City of Huntsville to the place of beginning as follows: North 2,640 to the center of the East boundary of the Southwest quarter of Section 17, Township 5 South, Range 1 East; thence West 2,640 feet to the center of the West boundary of the Southwest quarter of Section 17, Township 5 South, Range 1 East; thence North 6,600 feet to the center of the West boundary of Section 8, Township 5 South, Range 1 East; thence East 1,320 feet to the center of the South boundary of the Northwest quarter of Section 8, Township 5 South, Range 1 East; thence North 10,560 feet to the center of the North boundary of the Southwest quarter of Section 32, Township 4 South, Range 1 East; thence East 1,320 feet to the center of Section 32, Township 4 South, Range 1 East; thence North 2,640 feet to the center of the North boundary of

Section 32, Township 4 South, Range 1 East; thence East 2,640 feet to the Northeast corner of Section 32, Township 4 South, Range 1 East; thence North 7,920 feet to the center of the West boundary of Section 21, Township 4 South, Range 1 East; thence East 1,320 feet to the center of the South boundary of the Northwest quarter of Section 21, Township 4 South, Range 1 East; thence North 2,640 feet to the center of the North boundary of the Northwest quarter of Section 21, Township 4 South, Range 1 East; thence East, 3,300 feet to the center of the South boundary of the Southeast quarter of the Southeast Quarter of Section 16, Township 4 South, Range 1 East; thence North 1,320 feet to the center of the North boundary of the Southeast quarter of the Southeast quarter of Section 16, Township 4 South, Range 1 East; thence West 1,980 feet to the center of the West boundary of the Southeast quarter of Section 16, Township 4 South, Range 1 East; thence North 5,280 feet to the center of the East boundary of the Southwest quarter of Section 9, Township 4 South, Range 1 East, which point is the place of true beginning.

and also

All that part of Sections 25 and 36, Township 4 South, Range 1 West and Sections 1 and 12, Township 5 South, range 1 West, Madison County, Alabama, particularly described as beginning at a point on the West margin of the present corporate limits of the City of Huntsville, Alabama, which point is further described as being located South 550 feet from the center of the South boundary of the Northwest quarter of the Northeast quarter of Section 25, Township 4 South, Range 1 West; said place of beginning is also described as being located on the East boundary of the Byrd Spring Rod and Gun Club tract; thence Southwardly along the East boundary of the Byrd Spring Rod and Gun Club tract 5,035 feet to a point on the South boundary of the Northwest quarter of the Northeast quarter of Section 36, Township 4 South, Range 1 West; thence East 1,600 feet to the center of the North boundary of the Northwest quarter of the Southeast quarter of the Northeast quarter of Section 36, Township 4 South, Range 1 West; thence South 7,920 feet to the center of the North boundary of the Northwest quarter of the Southeast quarter of the Southeast quarter of Section 1, Township 5 South, Range 1 West; thence West 2,970 feet to a point on the East boundary of the United States Government Redstone Arsenal boundary; thence Southwardly along the East boundary of the United States Government Redstone Arsenal property 2,820 feet to a point on the present corporate limit line of the City of Huntsville; thence along the present corporate limit line of the City of Huntsville to the place of beginning as follows: East 3,550 feet to the center of the East boundary of the Northeast quarter of Section 12, Township 5 South, Range 1 West; thence North 11,880 feet to the Northeast corner of Section 36, Township 4 South,

Range 1 West; thence West 1,320 feet to the center of the North boundary of the Northeast quarter of Section 36, Township 4 South, Range 1 West; thence North 1,320 feet to the center of the Southeast quarter of Section 25, Township 4 South, Range 1 West; thence West 660 feet to the center of the North boundary of the Southwest quarter of the Southeast Quarter of Section 25, Township 4 South, Range 1 West; thence North 2,090 feet to the place of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 8, 1963.

Time: 11:29 A. M.

Act No. 99

S. 34—Hawkins

AN ACT

To regulate further the method of summoning jurors in all counties in the State having populations of not less than 76,000 nor more than 106,000 according to the last or any subsequent federal decennial census, providing for summoning jurors either by registered or certified mail or personal service by the sheriff of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties in the State of Alabama having populations of not less than 76,000 nor more than 106,000 inhabitants according to the last or any subsequent federal decennial census, notices of the requirement of the attendance of jury service may, in the discretion of the sheriff, be served either by registered or certified mail or as provided by Code of Alabama 1940, Title 30, Section 33. When service is to be made by registered or certified mail the sheriff shall enclose the summons in an envelope, addressed to the person to be served, and place all necessary postage thereon and mail it by registered or certified mail, deliver to addressee only and return receipt requested. When a return receipt, signed by the addressee, is received by the sheriff from the United States post office department, the sheriff shall immediately mark the process executed, and such execution shall be considered for all purposes as sufficient personal and legal service. If the jury summons so mailed is not delivered to the addressee, but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent effort personally to serve the summons. The above provisions authorizing service of jury summonses by mail, however, shall not apply to jury summonses returnable before the court *instanter*; and such summonses shall be served only as provided in Code of Alabama 1940, Title 30, Section 33.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 8, 1963.

Time: 3:45 P. M.

Act No. 100

H. 10—Edwards (Escambia)

AN ACT

To change the method of compensating certain officers of Escambia County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Escambia County shall be entitled to receive annual salaries in lieu of fees, commissions, allowances, percentages, charges, and costs, except as herein otherwise provided:

1. The judge of probate shall receive an annual salary of ten thousand dollars, which shall include compensation for all ex officio duties.

2. The tax assessor shall receive an annual salary of seven thousand eight hundred dollars, which shall be his entire compensation for performing the duties of his office, including the assessment of municipal taxes.

3. The tax collector shall receive an annual salary of seven thousand eight hundred dollars, which shall be his entire compensation for performing the duties of his office, including the assessment of municipal taxes.

4. The clerk of the circuit court shall receive an annual salary of seven thousand two hundred dollars, which shall include his compensation for all ex officio duties, including services as ex-officio clerk of the Inferior Court of Escambia County.

5. The register of the circuit court shall receive an annual salary of one thousand two hundred dollars.

Section 2. The court of county commissioners, board of revenue, or other like governing body of Escambia County, shall provide clerks, assistants and secretaries for the officers designated in this Act in such number as may be necessary for the efficient conduct of their offices. Each officer shall appoint his own deputies, clerks, secretaries, and assistants, and shall fix their

compensation, subject to the approval of the board of revenue, county commissioners, or other like county governing body as to number and rate of pay, except as herein otherwise provided.

Section 3. All fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any of the officers designated in Section 1 shall be collected hereafter for the use of the county and shall be paid into the general fund of the county. The compensation of the officers and of their clerks, deputies, secretaries, and other assistants shall be paid in equal semi-monthly installments from the general fund of the county.

Section 4. The court of county commissioners, board of revenue, or other like governing body of Escambia County shall provide the judge of probate, tax assessor, tax collector, clerk of the circuit court, and register of the circuit court, with the books, stationery, office equipment, supplies, postage, and other conveniences as may be necessary for the proper and efficient conduct of the affairs of their respective offices.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall take effect at the expiration of the terms of the incumbent officers, respectively; provided, the operation of the Act is conditional upon approval of a constitutional amendment authorizing the legislature to enact local laws regulating, fixing, or altering the fees and compensation of such officers.

Approved May 7, 1963.

Time: 2:58 P. M.

Act No. 101

H. 12—Edwards (Escambia)

AN ACT

To provide for construction, repair, and maintenance of public roads and bridges in Escambia County on the county unit basis; providing for a county engineer and prescribing his powers and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The roads and bridges of Escambia County shall be constructed, repaired, and maintained on the basis of the county as a unit and without regard to district lines. No county personnel or equipment shall be allocated or used in the construction, repair, and maintenance of county roads and bridges

on any basis other than the county as a unit. The Board of Revenue shall adopt annually a detailed financial budget to be followed during the ensuing year in the construction, repair, and maintenance of the roads and bridges of the entire county. The budget shall specify the roads and bridges to be repaired and where new roads and bridges are to be located and constructed, and shall allocate a specific amount or portion of county funds for such repairs and construction. The budget shall not be departed from except in cases of emergency upon a unanimous vote of the Board.

Section 2. Immediately after the effective date of this Act, the Board of Revenue shall appoint a county engineer for Escambia County to serve at the pleasure of the Board. The county engineer shall possess all the qualifications prescribed for county engineers by the general laws of Alabama. He shall have general supervision of the road and bridge work of the county, under the direction of the Board of Revenue. The Board shall fix the salary of the county engineer, which shall be paid in equal monthly installments from the road and bridge funds of the county. The county engineer shall reside in Escambia County during his term of employment.

Section 3. Subject to the direction of the Board of Revenue, and in accordance with the road and bridge budget adopted by the Board, the county engineer shall:

(1) Exercise general supervisory powers over the construction and maintenance of the county public roads and bridges, which construction and maintenance work shall be performed on the basis of the county as a unit, without regard to any district lines;

(2) Perform such engineering and surveying service as may be required and prepare and maintain the necessary maps and records;

(3) Employ, and when necessary terminate the employment of, such employees as are necessary properly to construct, repair, and maintain the county public roads and bridges;

(4) Confer with the members of the Board of Revenue from time to time toward the end that the policies of the Board may be understood and accurately carried out; and

(5) Perform other duties as may be required of him by the Board of Revenue and duties required by the general law of county engineers.

Section 4. The county engineer is hereby designated as the person authorized to make written requisitions upon the county purchasing agent for all articles, materials, supplies, and equipment necessary for the construction, repair, and maintenance of roads and bridges.

Section 5. The county engineer shall be the custodian of, and shall be accountable for, all road tools, machinery, supplies, and equipment of Escambia County. The Board shall furnish the necessary storage facilities for the tools, machinery, supplies, and equipment; and the county engineer shall keep on file in his office, at all times, a current inventory of all tools, machinery, supplies, and equipment belonging to the county.

Section 6. Subject to the approval of the Board of Revenue, the county engineer shall fix, from time to time, in accordance with prevailing economic conditions, the scales of salaries or wages to be paid for labor necessary to the construction, repair, and maintenance of the county roads and bridges.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws in conflict with the provisions of this Act are repealed.

Section 9. This Act shall take effect on the first day of the month next following the date of enactment.

Approved May 7, 1963.
Time: 2:59 P. M.

Act No. 102

H. 76—Edwards (Escambia)

AN ACT

To authorize and empower the governing body of the City of Atmore, Alabama to provide pensions or retirement allowances to employees of said City.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Atmore, Alabama and its governing body are hereby authorized and empowered to provide and pay pensions or retirement allowances to employees of the City under the circumstances and conditions hereinafter set forth.

Section 2. If any employee of the City of Atmore, Alabama shall retire or be retired by the City after having attained the age of seventy (70) years and after having been an employee of the City for twenty (20) years or more, of which period fifteen (15) years of service shall have been continuous, the governing body of the City may appropriate and pay to such employee a pension or retirement payment, the sum thereof to be not more than one-half of the monthly compensation paid to such employee at the time of his retirement, or the sum of One Hundred Twenty-five Dollars (\$125.00) per month, whichever is the lesser. The payment of such pension or retirement pay shall be made monthly

from general funds of the City and shall continue during the natural life of such employee.

Section 3. This Act shall apply only to employees of the city and officers holding by appointment; it shall not apply to elected officials.

Section 4. This Act shall go into effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 7, 1963.

Time: 3:02 P. M.

Act No. 103

H. 77—Edwards (Escambia)

AN ACT

To authorize and empower the Utilities Board of the City of Atmore, Alabama to provide pensions or retirement allowances to employees of said Board.

Be It Enacted by the Legislature of Alabama:

Section 1. The Utilities Board of the City of Atmore and its governing body are hereby authorized and empowered to provide and pay pensions or retirement allowances to employees of the Board under the circumstances and conditions hereinafter set forth.

Section 2. If any employee of the Utilities Board of the City of Atmore shall retire or be retired by the Board after having attained the age of seventy (70) years and after having been an employee of the Board and/or the Waterworks Board of the City of Atmore, and/or the Gas and Water Board of the City of Atmore, or any combination of same, for a period of Fifteen (15) years of continuous service, the governing body of the Board may appropriate and pay to such employee a pension or retirement payment, the sum thereof to be not more than one-half of the monthly compensation paid to such employee at the time of his retirement, or the sum of One Hundred Twenty-five Dollars (\$125.00) per month, whichever is the lesser. The payment of such pension or retirement pay shall be made monthly from the Gas and Water Revenue Funds of the Board and shall continue during the natural life of such employee.

Section 3. This act shall apply to all employees of the Board.

Section 4. This Act shall go into effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 7, 1963.

Time: 3:00 P. M.

Act No. 104 H. 36—Turnham, Heflin, Hannah, Baker (De-Kalb), Holladay, Nabors, Steagall, Drake, Young, Salter, Daniel

AN ACT

Relating to taxation; amending Section 398 of Title 51, Code of Alabama 1940, in relation to the rate of the state corporation income tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 398 of Title 51, Code of Alabama 1940, is hereby amended to read as follows:

“Section 398. A tax is hereby levied and imposed upon every corporation organized under the laws of Alabama, which shall be assessed, collected, and paid annually for the taxable year 1963 and for each taxable year thereafter upon and with respect to their entire net income as hereinafter defined, to be computed at the rate of five percent. A like tax is hereby levied and imposed upon every foreign corporation doing business in the state, which tax shall be assessed, collected and paid annually at the rate specified in this section, upon and with respect to the entire net income as herein defined, except as hereinafter provided, from property situated within this state, and from business done and transacted within this state. Such taxes shall be first assessed, collected, and paid during the year 1964 upon and with respect to taxable income for the calendar year 1963, or for any fiscal year beginning during the calendar year 1963; and in each and every taxable year thereafter such income tax shall be assessed, collected, and paid likewise, based upon the calendar year, or any fiscal year ending during such a calendar year.”

Section 2. This Act shall become effective upon the ratification of an amendment to the Constitution of Alabama, proposed at the current session of the Legislature, authorizing the Legislature to tax the net incomes of corporations at a rate not to exceed five percent.

Approved May 8, 1963.

Time: 4:05 P. M.

Act No. 105

H. 80—Crawford, Bassett

AN ACT

To amend further Code of Alabama 1940, Title 51, Section 788, which relates to the levy of the state use tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 788, as amended, is amended further to read as follows:

"Section 788. (a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail on or after the first day of October 1963, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property, except as provided in subsections (b) and (c).

"(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1963, at the rate of one and one-half percent of the sales price of any such machine; provided, that the term 'machines', as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

"(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automobile vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after October 1, 1963, for storage, use or other consumption in this state at the rate of one and one-half percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automobile vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

"Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, however, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of Section 791 of this title, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer."

Section 2. This Act shall become effective October 1, 1963.

Section 3. An amount equal to $\frac{1}{2}$ of 1 per cent or three hundred thousand dollars, whichever is greater, of taxes collected under this Act shall be set aside each year in a special account to be used exclusively for the construction of class rooms and paying the salaries of teachers for those retarded children and other handicapped children, including the blind, partially sighted, deaf, hard of hearing, speech disorders, emotionally disturbed, for whom no special classes are available; and the residue of the proceeds thereafter remaining shall be paid into the Special Educational Trust Fund.

Approved May 8, 1963.
Time: 3:42 P. M.

Act No. 106

H. 81—Bassett, Crawford

AN ACT

To amend Act No. 100, H. 94, Second Special Session 1959, entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom, superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented," in relation to the rate of such tax; amending Sections 2 and 24 thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 100, H. 94, Second Special Session 1959, entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," (Acts of Alabama, Second Special Session 1959, p. 298), as amended, is amended further to read as follows:

"Section 2. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm, or corporation, (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within this state, in business of selling

at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10¢) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10¢) per sale and shall file with the State Department of Revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the State Department of Revenue, the gross receipts tax herein provided for shall not be levied.

“(b) Upon every person, firm, or corporation engaged, or continuing within this state, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to four percent of the gross receipts of any such business.

“(c) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing

and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

"(d) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one and one-half per cent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer.

"Where any used automobile vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade."

Section 2. Section 24 of said Act No. 100, H. 94 of the Second Special Session of 1959, is amended to read as follows:

"Section 24. Every person, firm, corporation, association, or co-partnership engaged in or continuing within this state in the business for which a license or privilege tax is required by this Act shall add to the sales price and collect from the purchaser on all sales upon the gross receipts or gross proceeds of which there is levied by this Act a sales tax at the rate of four percent, four cents tax for each whole dollar of sales price; provided, however, on that part of the sales price which is a fractional part of a dollar, in addition to whole dollars, and on sales of less than a dollar there shall be collected in addition to the tax collected on whole dollars, no tax on one cent to and including ten cents of sales price, one cent tax on eleven cents to and including thirty cents of sales price, two cents tax on thirty-one cents to and including fifty-four cents of sales price, three cents tax on fifty-five cents to and including seventy-three cents of sales price, and four cents tax on seventy-four cents to and including ninety-nine cents of sale price. Upon all sales the gross receipts or gross proceeds of which are taxed by this Act at a rate less than four percent, there shall be added to the sales price and collected from the purchaser by such person, firm, corporation, association, or co-partnership described in this section an amount equal to the prescribed percentage of such sales price. It shall be unlawful for any person, firm, corporation,

association, or co-partnership described in this section to fail or refuse to add to the sales price and collect from the purchaser the amount required by this section to be so added to the sales price and collected from the purchaser; and it shall likewise be unlawful to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption or refund of the amount required to be added to the sales price and collected from the purchaser, or any portion of such amount. Any person, firm, corporation, association, or co-partnership violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than fifty dollars nor more than one hundred dollars, or may be imprisoned in the county jail for not more than six months or by both such fine and imprisonment, and each act in violation of the provisions of this Act shall constitute a separate offense. The provisions of this section that there shall be added to the sales price and collected from the purchaser the amounts provided herein shall in no way relieve the person, firm, corporation, association or co-partnership described in this section of the tax levied by this Act; nor shall the inability, impracticability, refusal, or failure to add to the sales price and collect from the purchaser the amounts provided herein relieve such person, firm, corporation, association, or co-partnership from the tax levied by this Act. All taxes paid in pursuance to this Act or any other statute enacted in this connection shall conclusively be presumed to be a direct tax on the retail consumer, pre-collected for the purpose of convenience and facility only."

Section 3. This Act shall become effective October 1, 1963.

Approved May 8, 1963.

Time: 3:41 P. M.

Act No. 107

H. 90—Hannah

AN ACT

To amend further Code of Alabama 1940, Title 51, Section 402, so as to delete therefrom the provision allowing the deduction of federal income taxes paid when determining the amount of a corporation's income which is subject to the Alabama income tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 402, as amended, is amended further to read as follows:

"Section 402. In computing the net income of domestic corporations doing business in this state subject to the tax imposed by section 398 of this title, there shall be allowed as deductions:

"(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business including a reasonable allowance for salaries and other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

"(2) All interest paid or accrued within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917), the interest upon which is wholly exempt from taxation under this title as income to the taxpayer or in the case of a foreign corporation, the proportion of such interest which the amount of its gross income from sources within the State of Alabama bears to the amount of its gross income from all sources within and without the State of Alabama.

"(3) Taxes paid or accrued within the taxable year (a) imposed by the authority of the United States, except income taxes, or (b) by authority of any of its possessions; (c) by the authority of any state or territory, or any county, school district, municipality, or other taxing subdivision of any state or territory not including income tax and not including those assessed for local benefits of a kind tending to increase the value of the property assessed but excluding the income taxes levied and imposed under this title; or in the case of a non-resident individual of foreign corporation taxes paid or accrued within the taxable year imposed by the authority of the State of Alabama or any county, school district, municipality or any other taxing subdivision of the State of Alabama excluding the income taxes levied and imposed under this title, plus the proportion of tax imposed by other authorities above mentioned which the amount of gross income from sources within the State of Alabama bears to the amount of gross income from all sources within and without the State of Alabama.

"(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise.

"(5) Losses from debts ascertained to be worthless and charged off during the taxable year of such ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer during the period covered by an Alabama tax law.

"(6) The amounts received as dividends from a corporation, or any subsidiary corporation of which the parent corporation owns as much as fifty percent of the capital stock, which is taxable under this title upon the net income of the parent corporation or the subsidiary.

"(7) A reasonable allowance for the exhaustion, wear and tear of property used in the trade, or business, including a reasonable allowance for obsolescence.

"(8) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case, based upon the cost, including cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue. In the case of leases the deductions allowed by this subsection shall be equitably apportioned between the lessor and the lessee.

"(9) In the case of marine insurance companies, there shall be allowed, in addition to the deductions allowed in subsections 1 to 9 inclusive, amounts repaid to policyholders on account of premiums previously paid by them, and interest paid on such amounts between the ascertainment and the payment thereof.

"(10) In the case of mutual insurance companies (other than mutual life or mutual marine insurance companies) requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed, in addition to the deductions allowed in subsections 1 to 9 inclusive (unless otherwise allowed under such subsections) the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses and re-insurance reserves.

"(11) Contributions or gifts made within the taxable year to recognized religious, charitable and scientific or educational institutions, or institutions for the prevention of cruelty to children or animals which are not operated for profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual, or contributions to the special fund for vocational rehabilitation authorized by section 7 of the United States vocational rehabilitation act, the amount of such deduction not to be, however, in excess of five per centum of the taxpayer's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowable as deductions only where made to institutions recognized as institutions for the above purposes under rules and regulations prescribed by the commissioner of revenue.

"(12) If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall be deductible, but only to the following extent: (A) In the taxable year when paid, if the

contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 392 of this title in an amount determined as follows: (i) an amount not in excess of 5 per centum of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the commissioner of revenue upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus (ii) any excess over the amount allowable under clause (i) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the commissioner of revenue, but if such remaining unfunded cost with respect to any three individuals is more than 50 per centum of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least 5 taxable years, or (iii) in lieu of the amounts allowable under (i) and (ii) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the commissioner of revenue plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per centum of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the commissioner of revenue, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased. (iv) Any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations. (B) In the taxable year when paid, in an amount determined in accordance with subparagraph (A) of this paragraph, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of subsection 5 of section 392 of Title 51, and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities. (c) In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year

ends within or with a taxable year of the trust with respect to which the trust is exempt and subsection 5 of section 392 of this title, in an amount not in excess of 15 per centum of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year beginning after July 7, 1945, there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 per centum of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in a taxable year beginning after July 7, 1945, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 per centum of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term 'stock bonus or profit-sharing trust', as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in subparagraph (A). If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitations in this subparagraph. (D) In the taxable year when paid, if the plan is not one included in paragraphs (A), (B), or (C), if the employees' rights to or derived from such employer's contribution or such compensation are non-forfeitable at the time the contribution or compensation is paid. (E) For the purposes of subparagraphs (A), (B), and (C) a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such taxable year and is made within sixty days after the close of the taxable year of accrual. (F) If amounts are deductible under subparagraphs (A) and (C), or (B) and (C), or (A), (B), and (C), in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 per centum of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in a taxable

year beginning after July 7, 1945, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 30 per centum of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This subparagraph shall not have the effect of reducing the amount otherwise deductible under subparagraphs (A), (B), and (C), if no employee is a beneficiary under more than one trust, or a trust and an annuity plan. If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this paragraph shall apply as if there were such a plan.

"(13) In the case of foreign corporations doing business in this state the deductions allowed by this section shall only be allowed if and to the extent that they are connected with income arising from sources within the State of Alabama, and the proper apportionment and allocation of deductions with respect to the sources of income within and without the State of Alabama shall be determined under the rules and regulations prescribed by the department of revenue, provided, that in the case of corporations doing a business partly within and partly without the state where revenue is apportioned or allocated to Alabama the expense in connection with such apportioned or allocated revenue shall be likewise apportioned or allocated to the state, for the purpose of deductions under this title, or the ratio that company expenses in Alabama bear to the company revenues in Alabama."

Section 2. The provisions of this Act shall apply to income taxes due for taxable years beginning after December 31, 1962.

Approved May 8, 1963.

Time: 4:06 P. M.

Act No. 108

S. J. R. 17—Roberts, Clark, Adams

SENATE JOINT RESOLUTION

WHEREAS, under the able leadership and direction of Mrs. Elizabeth Parks Beamguard, Director of the Alabama Public Library Service, library facilities and services in the state, and particularly in the small towns and rural area, have recently been tremendously expanded and improved; and

WHEREAS, the naming of the Eufaula Carnegie Library as the recipient of the 1963 Dorothy Canfield Fisher Award for

Alabama, brings nation-wide acclaim to Alabama's public libraries, for this award is given in signal recognition of the excellence of both the facilities and the services of libraries in counties or in cities of less than 25,000; and

WHEREAS, the Eufaula Carnegie Library is only one of the many excellent libraries currently available to Alabama citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Mrs. Elizabeth Parks Beamguard, Director of the Alabama Public Library Service, for her outstanding public service in promoting the extension and development of public libraries in this state.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mrs. Beamguard.

Approved May 9, 1963.

Time: 6:49 P. M.

Act No. 109

S. J. R. 18—Clark, Roberts, Adams

SENATE JOINT RESOLUTION

WHEREAS, Dorothy Canfield Fisher Awards are presented annually in signal recognition of outstanding library facilities and services provided for counties or cities having populations not in excess of 25,000; and

WHEREAS, the Eufaula Carnegie Library was the Alabama library receiving one of these highly coveted awards for 1963; and

WHEREAS, the present high standards of library facilities and services of the Eufaula Carnegie Library are the result of the vision, diligence, and dedication to duty of the members of the Eufaula Carnegie Library Board, the librarian, Mrs. Mary Wallace Martin and her staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the Eufaula Carnegie Library Board and Mrs. Mary Wallace Martin and each member of the library staff for their splendid services which earned for the library this valuable 1963 Dorothy Canfield Fisher Award for Alabama.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mrs. Carl Strang, Chairman of the Eufaula Carnegie Library Board, at Eufaula, Alabama.

Approved May 9, 1963.

Time: 6:50 P. M.

Act No. 110 S. J. R. 20—Dumas, McDow, Carter, Reynolds, Gilchrist, Smith, Hammond, Cooper, Evans, Adams, Shelton, Nichols, Givhan, Mathews, Brannan, Allen, Robinson (Pickens), Hawkins, Eddins, Oden, Clark, Bentley, Metcalf, Taylor, Lolley, Montgomery and Roberts.

SENATE JOINT RESOLUTION

WHEREAS, the Confederate States of America was founded by men motivated by the highest ideals, devoted to the principles of local self government and state's rights, and anxious to vouchsafe to themselves and their posterity the right to continued existence in their accustomed and time-honored way of life; and

WHEREAS, during practically its entire existence, this nation was plagued by a fierce invasion and forced to engage in a defensive war for the protection of its homes; and

WHEREAS, the Army and Navy of this young country, though greatly outnumbered and pitifully inadequately equipped, through the military genius and skillful strategy of its military leaders, coupled with the outstanding loyalty, dedication to the cause, valor and courage of their enlisted men, successfully repulsed this invasion for four long years of fierce fighting; and

WHEREAS, the toll in human lives and suffering of this bloody war was great and many soldiers and sailors of the Confederacy courageously and honorably gave their lives in the cause they honestly believed was right; and

WHEREAS, the memory of the courage, honor and integrity of the valiant troops of the Confederacy, our ancestors, is a heritage of which Alabamians and all other Southerners should be justly proud and ever mindful; and

WHEREAS, the United Daughters of the Confederacy, an organization dedicated to preserving the ideals for which the Confederacy stood, portraying the facts and circumstances surrounding its establishment and overthrow in true and fair perspective, and honoring those men and women who nobly served this nation, particularly those who made the supreme sacrifice in such service, are doing an excellent job of keeping bright and unsullied our heritage from the Confederacy; and

WHEREAS, at the instigation of the United Daughters of the Confederacy, April 26, has been appointed as the day each year for special commemoration of those intrepid and steadfast men, who gave their lives in service under The "Stars and Bars" of the Confederacy with such great leaders as "The Gallant

Pelham," "Fighting Joe Wheeler," Thomas Jonathan (Stonewall) Jackson, and the immortal Robert E. Lee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby reaffirm our belief in the principles of state's rights, in defense of which the Confederate soldiers drew their swords; we revere the memory of those heroic soldiers and sailors who lost their lives in the War Between the States; and we commend the Daughters of the Confederacy for the appropriate manner in which they honor Confederate veterans annually on Memorial Day—May they continue this custom "until time is no more."

BE IT FURTHER RESOLVED, That we pause in our deliberations on current issues, and in a moment of silence rededicate ourselves to a fuller performance of our obligations as men and public servants in emulation of the noble gentlemen, valiant warriors and great statesmen of the Confederate States of America.

Approved May 9, 1963.

Time: 6:51 P. M.

Act No. 111

H. J. R. 42—Goodwyn, Goldthwaite, Pierce,
Little

HOUSE JOINT RESOLUTION

WHEREAS, National Merit Scholarship Award winners are chosen on the basis of comprehensive examinations administered under the most rigid and exacting standards only to the most gifted and highly recommended high school students throughout the nation, and since such examinations are designed to measure not only academic preparation but also the intangible but vitally important factors of comprehension, judgment, ability to evaluate and to reason, and to express one's self, and since a winner must not only rank among the top in such written tests but must also pass a searching examination of equally high standards for character, leadership, and personality development as demonstrated in extra curricula activities; it must therefore follow that one to win such an award has accomplished a truly distinct and signal competitive achievement and one to afford great pride to the student, the parents and the teachers of such winners; and

WHEREAS, Bruce Henderson and Miss Jane Anderson of Robert E. Lee High School; and John Haviland and Chuck Muckenfuss of Sidney Lanier High School have each been announced a winner of a National Merit Scholarship Award in competition involving more than 11,000 of the nation's most gifted boys and girls who had reached the goal of semi-finalist, and since the

honor thus accorded these fine Montgomery boys and girls reflects great credit upon their parents, their homes, schools, and community and affords the members of the Alabama Legislature a sense of great pride in their accomplishments, which is felt even more since we are allowed to share the pride of Mrs. C. Shields Henderson, the wellknown and popular employee of the legislature for many years, whose fine son is one whom we now honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE SENATE AND HOUSE CONCURRING, That we congratulate each of the National Merit Scholarship Award winners for an honor richly deserved, and we commend their parents, their teachers and the entire faculty of Robert E. Lee and Sidney Lanier High Schools for a job well done.

BE IT FURTHER RESOLVED, that a copy of the resolution be sent to the parents of Jane Anderson, Bruce Henderson, Chuck Muckenfuss, and John Haviland, and to the principals of Robert E. Lee and Sidney Lanier High Schools.

Approved May 9, 1963.
Time: 6:54 P. M.

Act No. 112

H. J. R. 43—Bassett

HOUSE JOINT RESOLUTION

WHEREAS, death came on April 20 to Mr. Sidney Herbert Blan; and

WHEREAS, Mr. Blan was one of the State's most loved public servants, having served the State with distinction as Secretary of State, Treasurer, Auditor, and as an employee in the office of the Treasurer; and

WHEREAS, Mr. Blan was very active in the affairs of his church and was a charter member of the Troy Rotary Club, a member of the Elks, and a long time member of the Masons; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we deeply mourn the death of Mr. Sidney Herbert Blan and extend to the members of his family our heartfelt sympathy.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the family of Mr. Blan.

Approved May 9, 1963.
Time: 6:55 P. M.

Act No. 113

H. J. R. 45—Cook

HOUSE JOINT RESOLUTION

WHEREAS, the City of Elba has taken the leadership and has set a splendid example in officially recognizing and paying honor to its youth for outstanding academic and citizenship achievements and in furtherance of this objective has proclaimed May 18, 1963 "Tommy Vaughn Day" and

WHEREAS, Tommy Vaughn, a senior at the University of Alabama, has compiled a truly outstanding record of honorary and scholastic achievements throughout his high school and college careers including the attainment of the coveted honor of valedictorian on graduation from high school based upon a straight "A" average and continued in college by being honored as the "outstanding freshman" at the University of Alabama for the school year 1959-60; in making the dean's list every semester in attendance at the University with an overall grade average of 2.93 of a possible 3.00; in his election to membership in the following scholastic honorary fraternities: Phi Eta Sigma, Freshman honorary, Delta Phi Alpha, German honorary; Omicron Delta Kappa, Leadership and Scholastic honorary; Phi Beta Kappa, oldest honorary in existence; Alpha Epsilon Delta, premed honorary; and Jasons, Senior Men's honorary; and

WHEREAS, the scholastic and honorary achievements of Tommy Vaughn are all the more laudable in view of his well rounded, balanced, and versatile capacity for leadership and popularity in extra-curricula activities ranging in scope from "all-state" trumpet player in high school, to Honor Cadet in the University Air Force R.O.T.C., and from President of the Student Government Association, and an officer in countless elective offices in fraternal and campus organizations, committees, and activities; to tutoring, playing chess, water skiing, and playing in a fraternity orchestra; and

WHEREAS, Tommy Vaughn will graduate from the University of Alabama in June 1963, with honors, with a major in psychology and minor in German and Chemistry and having been awarded a fellowship for graduate work in the summer of 1963 in recognition not only of a truly outstanding academic college record but also in recognition of his qualities of character representing young American manhood at its best; and since his record and his achievements and his qualities of character are an inspiration to the members of the Alabama Legislature and to all of the citizens of this state; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, THE HOUSE AND SENATE CONCURRING, That the citizens of the City of Elba be commended for their progressive leadership in paying tribute to the type of attainments represented

in the record of Tommy Vaughn; that we extend our heartiest congratulations to Tommy Vaughn, and express our best wishes for his continued success in all endeavors; and that we express our sense of sincere appreciation to his parents, his teachers, his church and to all others who have played a major role in guiding and inspiring Tommy Vaughn in the development of his rich potential.

Be It Further Resolved that a copy of this resolution be sent to: Tommy Vaughn, University of Alabama; Mr. and Mrs. Tom Vaughn, 3505 Norwood Blvd., Birmingham, Alabama; to Louis Inman, Chairman, Tommy Vaughn Day, Elba; Dr. Frank Rose, University of Alabama.

Approved May 9, 1963.

Time: 6:56 P. M.

Act No. 114 H. J. R. 46—Bailes, Collins, Perry, Etheredge, Gilmore, Rast, Brown (Jefferson), Sessions, Bowers, Morrow, M. Bethea, Hawkins, Dominick, Sullivan, Meeks, Vacca, Locke, Bran- yon, B. Bethea, Brewer, G. Turner, Fite, Thomas, Powell, Martin, Mashburn, Holladay, Bolton, Campbell (Tuscaloosa), Edwards (Escambia), Rogers, Engel, In- gram, Wood, Harper, Crawford, Pierce, Goodwyn, Little, Nettles, Pruitt, Jones (Monroe), Faulk, Daniel, Steagall, Casey, McCor- quodale, Doggett, Hogan, McDer- mott, Avery

HOUSE JOINT RESOLUTION

Commending The Honorable Thomas W. Martin on the occasion of his retirement as Chief Executive Officer of the Alabama Power Com- pany.

RESOLVED that the Legislature in Alabama, the House and Senate concurring, hereby expresses the appreciation of his state to the Honorable Thomas W. Martin for his long and faith- ful service to Alabama and to the Nation and for his dynamic leadership in developing Alabama's human and physical re- sources.

Thomas W. Martin is one of those few men whom Providence has endowed with a capacity and heart for real greatness. His pioneering spirit will light the way for our state's future.

While we recognize that Tom Martin's years of service and accomplishment entitle him to a rest from his active labors, we here express the fervent hope for the continued guidance of his wisdom and inspiration. To this end, we call on him now and in the days ahead for his continued counsel and help in the role of honored elder statesman of Alabama.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Honorable Thomas W. Martin as a token of our sincere appreciation and esteem.

Approved May 9, 1963.
Time: 6:57 P. M.

Act No. 115 H. J. R. 47—Bailes, Gilmore, Brown (Jefferson), Etheredge, Sessions, Hawkins, Vacca

HOUSE JOINT RESOLUTION

WHEREAS death came suddenly on April 6th to William C. Ray of Birmingham, son of Dr. Emmett C. Ray, beloved physician of Birmingham, and

WHEREAS William C. (Billy) Ray was one of Shrinedom's most beloved servants having served as Potentate of Zamora Temple in 1961, now therefore

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Legislature hereby expresses deepest grief upon his passing and extends to the surviving members of his family deepest and most sincere sympathy.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to his widow, Mrs. Nitagene Alston Ray, and his father, Dr. E. C. Ray.

Approved May 9, 1963.
Time: 6:58 P. M.

Act No. 116 H. J. R. 48—Rast, Perry, Morrow, Etheredge, Brown (Jefferson), Bailes, Burns, Owens, Nabors

HOUSE JOINT RESOLUTION

WHEREAS, the people of Alabama were shocked and saddened by the tragic slaying on April 23, 1963 of William L. Moore, a Baltimore postman, by an assailant or assailants unknown and for motives which are yet unknown; and

WHEREAS Governor George C. Wallace immediately upon notification termed the shooting a "dastardly act" and offered a \$1,000 reward for the apprehension and conviction of the killer and pledged the full state investigative force to assist in the search to find the person or persons responsible; and

WHEREAS the law enforcement officers of Etowah County launched an immediate, continuous and thorough investigation which has led to the apprehension of a suspect in the slaying; and

WHEREAS, the Governor has effectively articulated the profound feelings of the people of Alabama in this matter and the action of the Governor and the law enforcement officials of Etowah County have been timely and effective; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, THE HOUSE AND SENATE CONCURRING, That we commend Governor Wallace and the law enforcement officials of Etowah County for their timely and effective action in this tragic affair and assure them that such actions are responsive to and reflect the feelings, the wishes and the intent of the legislature and of all the people of this state.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Sheriff of Etowah County and to the county governing body of Etowah County.

Approved May 9, 1963.
Time: 7:00 P. M.

Act No. 117

H. J. R. 50—Burnham, Albea, Merrill

HOUSE JOINT RESOLUTION

WHEREAS, National Scholarship Award winners are chosen on the basis of comprehensive examinations administered under the most rigid and exacting standards only to the most gifted and highly recommended high school students throughout the nation, and since such examinations are designed to measure not only academic preparation but also the intangible but vitally important factors of comprehension, judgment, ability to evaluate and to reason, and to express one's self, and since a winner must not only rank among the top in such written tests but must also pass a searching examination of equally high standards for character, leadership, and personality development as demonstrated in extra curricula activities; it must therefore follow that one to win such an award has accomplished a truly distinct and signal competitive achievement and one to afford great pride to the student, the parents and the teachers of such winners; and

WHEREAS, Gordon Bruce Mainland of Jacksonville High School was recently awarded a National Merit Scholarship, but

declined the award to accept an Alfred P. Sloan Scholarship to study engineering at Cornell University being one of only two such awards having been made to Alabama students in the past four years; and Ben Gary Garmon of Jacksonville High School has been named a winner of General Motors Scholarship and has been one of only 150 students in the United States to whom early admission has been extended by Massachusetts Institute of Technology; and David Bibb of Anniston High School has been awarded both a National Merit Scholarship and also has been selected for a special scholarship by International Business Machines and will attend Princeton University; and

WHEREAS, the honor this accorded these outstanding students of Jacksonville and Anniston High Schools reflects great credit upon their parents, their homes, schools, and communities and affords the members of the Alabama Legislature a sense of great pride in their outstanding accomplishments; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, THE SENATE AND HOUSE CONCURRING, That we congratulate each of the above National Scholarship Award winners for honors richly deserved and we commend their parents, their teachers and the entire faculties of Jacksonville High School and of Anniston High School for a job well done.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Gordon Mainland, Jacksonville, Alabama; Mr. and Mrs. A. B. Garmon, Jacksonville, Alabama; Judge and Mrs. William C. Bibb, Anniston, Alabama; and to the principals of Jacksonville and Anniston High Schools.

Approved May 9, 1963.
Time: 7:01 P. M.

Act No. 118

H. 6—Cantrell

AN ACT

To amend Act No. 89, H. 96, Special Session 1962 (Acts, Special Session 1962, p. 112), an act relating to Colbert County and levying additional special privilege or license taxes and excise taxes in said county, so as to reduce the rate of the general use tax levied thereby from one percent to one-half of one percent and so as to provide further for the apportionment and allocation of the proceeds derived from the taxes levied by the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 4 and 7 of Act No. 89, H. 96, Special Session 1962 (Acts, Special Session 1962, p. 112), an act relating to Colbert County and levying additional special privilege or license taxes and excise taxes in said county, are hereby amended to read as follows:

"Section 1. In Colbert County there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, special county privilege or license taxes and excise taxes paralleling, with like provisions in the county, such state taxes as are levied by the State of Alabama in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, and amendments and additions thereto as follows:

"(1) A privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against the gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation engaged, or continuing within Colbert County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one-half of one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10¢) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10¢) per sale and shall file with the State Department of Revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the State Department of Revenue, the gross receipts tax herein provided for shall not be levied.

"(b) Upon every person, firm or corporation engaged, or continuing within Colbert County in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within the county, or any athletic association thereof, or other association whether such institution or association be a denominational, a

state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Colbert County, an amount equal to one per cent of the gross receipts of any such business.

“(c) Upon every person, firm or corporation engaged or continuing within Colbert County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to three-eighths of one percent of the gross proceeds of the sale of such machines; provided, that the term ‘machines,’ as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(d) Upon every person, firm or corporation engaged or continuing within Colbert County in the business of selling at retail any automotive vehicle or truck trailer or semi-trailer or house trailer, an amount equal to one-eighth of one per cent of the gross proceeds of the sale of said automotive vehicle or truck trailer, and semi-trailer or house trailer.

“Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

“(2) (a) An excise tax on the storage, use, or other consumption in Colbert County of tangible personal property purchased at retail on or after the effective date of this Act for storage, use or other consumption in the county at the rate of one-half of one per cent of the sales price of such property, regardless of whether the retailer is or is not engaged in the business in the county, except as provided below in paragraph (b) or (c) of this subsection.

“(b) An excise tax is hereby imposed on the storage, use or other consumption in Colbert County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after the effective date of this Act at the rate of three-eighths of

one per cent of the sales price of any such machine; provided, that the term 'machines,' as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

"(c) An excise tax on the storage, use, or other consumption in Colbert County of any automotive vehicle, truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this Act for storage, use or other consumption in the county at the rate of one-eighth of one per cent of the sales price of such automotive vehicle, truck trailer, semi-trailer, or house trailer.

"Where any used automotive vehicle or truck trailer, semi-trailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

"(d) Every person storing, using, or otherwise consuming in Colbert County tangible personal property purchased at retail after the effective date of this Act shall be liable for the tax, and the liability shall not be extinguished until the tax has been paid as provided for by this Act; provided, however, that a receipt from a retailer maintaining a place of business in Colbert County showing the payment of such tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

"Section 4. The taxes imposed by this Act shall be collected by the State Department of Revenue at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20 of Title 51, Code of Alabama 1940, and amendments thereto, and all reports now required to be made to the Commissioner of Revenue of the State of Alabama shall on request of the Chairman of the county governing body of Colbert County, be available for inspection by the chairman of the county governing body of Colbert County, or his designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the additional taxes herein imposed, and shall have all the authority and duties in connection with such additional taxes as are now given by law to the department for the collection of state sales and use taxes

under Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20 of Title 51, Code of Alabama 1940, and amendments thereto. It shall be the duty of the Commissioner of Revenue to pay into the state treasury all collections of taxes made hereunder, and on or before the tenth day of the following month the Commissioner of Revenue shall certify to the State Comptroller the amount of special taxes levied and collected under the authority of this Act for the use and benefit of Colbert County during the calendar month immediately preceding the making of such certificate to the State Treasurer; whereupon, it shall be the duty of the State Comptroller to issue his warrants on the state treasury distributing the amount so certified as follows: Seventy per cent (70%) thereof to the Board of Education of Colbert County; fifteen per cent (15%) thereof to the Board of Education of the City of Sheffield; ten per cent (10%) thereof to the Board of Education of the City of Tuscumbia; and the remaining five per cent (5%) thereof to the Board of Education of the City of Muscle Shoals.

The Department of Revenue shall charge Colbert County for collecting the taxes levied by this Act the cost of making such collections which charge shall not exceed ten per cent of the amount collected. Such charge for collecting such taxes shall be deducted from the special sales and special use taxes collected before certifying the amount of special sales and special use taxes due Colbert County.

"Section 7. The proceeds of the taxes imposed by this Act shall be apportioned as follows: Seventy per cent (70%) of said proceeds shall be apportioned and allocated to the Board of Education of Colbert County and retained in the county school fund; fifteen per cent (15%) of said proceeds shall be apportioned, allocated and paid to the Board of Education of the City of Sheffield; ten per cent (10%) of said proceeds shall be apportioned, allocated and paid to the Board of Education of the City of Tuscumbia; and five per cent (5%) of said proceeds shall be apportioned, allocated and paid to the Board of Education of the City of Muscle Shoals. The payment of the principal of and interest on any warrants or other evidences of debts to the payment of which the revenues derived from the taxes levied by Act No. 485, H. 1049, approved August 30, 1949, as amended, were pledged, shall be a preferred claim against the proceeds of the taxes levied by this Act accruing to each of the above named boards of education which issued such warrants or other evidences of debt. All the revenues accruing from the taxes levied by this Act and allocated to the several city boards of education hereinabove named and not needed for the payment of debts as above provided shall be used exclusively for public school purposes in said cities. All such revenues allocated to the Colbert County Board of Education not needed for the payment of debts as above

provided shall be used exclusively for public school purposes in said county outside the cities of Sheffield, Tuscumbia and Muscle Shoals."

Section 2. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved May 9, 1963.

Time: 7:04 P. M.

Act No. 119

H. 43—Fite, Meade

AN ACT

To appropriate from the Game and Fish fund the sum of One Hundred Ninety-five Thousand Dollars to the Game and Fish Division of the Department of Conservation to be used in matching Federal funds on projects that qualify under the Federal Public Works Acceleration Act, and to provide for the method of administration of expenditure of such monies, and to provide for the expenditure by the Department of Conservation of Federal matching funds under said program.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of the Game and Fish fund the sum of One Hundred Ninety-five Thousand Dollars to the Game and Fish Division of the Department of Conservation, which monies shall be used and expended by the Game and Fish Division in matching Federal monies on a fifty-fifty basis on projects that qualify under the Federal Public Works Acceleration Act in fish and wildlife restoration programs. The monies herein appropriated shall be in addition to all other monies heretofore appropriated to the Division of Game and Fish.

Section 2. Authority is hereby granted to the Department of Conservation to expend all Federal monies granted to the Game and Fish Division as matching monies under the accelerated public works fish and wildlife restoration program.

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby specifically repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 9, 1963.

Time: 6:30 P. M.

Act No. 120

H. 66—Callahan, Sullivan, Campbell (Tuscaloosa), Fite, Martin, Brown (Tuscaloosa), Turnham, Bailes, Bevill, Rast, Branyon, Bethea (M), Camp, Avery, Barnett, Davis, Gilmore, Sessions, Perry, Morrow, Dominick, Collins, Moore, Brown, Burns, Owens, Nabors, Paulk

AN ACT

To approve and validate a deferred payment for support, maintenance, repairs and improvements heretofore made to the Alabama state hospitals.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to the regular monthly payments required by Title 45, Section 229, Code of Alabama 1940, as amended, to be made to the Alabama state hospitals for the support, maintenance, repairs and improvements of such institutions, the legislature does hereby approve and validate those payments heretofore made to the Alabama state hospitals on October 11, 1962 in the amount of seven hundred thirty-three thousand eight hundred sixty five dollars (\$733,865.00), this amount representing the monthly payments due these institutions for the month of September 1962, but which were deferred in payment until the commencement of the fiscal year beginning October 1, 1963. It is the purpose and intent of this Act to approve and validate the deferred payments above set out and to further provide that the twelve (12) monthly payments falling due during the fiscal year 1962-63 be made pursuant to the provisions of Title 45, Section 229, Code of Alabama 1940, as amended.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 6:31 P. M.

Act No. 121

H. 78—Crawford, Brewer, Fite, Vacca, Grouby, Drake

AN ACT

To amend Section 2 of Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama so as to declare the legislative intent of said Act to include the authorization of the enlargement, improvement and expansion of projects acquired thereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama is hereby amended so that the said section shall read as follows:

"Section 2. Legislative Intent. It is the intent of the legislature by the passage of this act to authorize the incorporation in the several municipalities in this state of public corporations to acquire, enlarge, improve, expand, own, lease, and dispose of properties to the end that such corporations may be able to promote industry and develop trade by inducing manufacturing, industrial and commercial enterprises to locate in this state, or to enlarge and expand existing enterprises, or both, and further the use of the agricultural products and natural resources of this state, and to vest such corporations with all powers that may be necessary to enable them to accomplish such purposes. It is not intended hereby that any such corporation shall itself be authorized to operate any such manufacturing, industrial or commercial enterprise. This act shall be liberally construed in conformity with the said intention."

Section 2. Effective Date. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.
Time: 3:47 P. M.

Act No. 122

H. 79—Crawford, Brewer, Fite,
Vacca, Grouby, Drake

AN ACT

To amend the title to and Sections 2 and 8 of Act No. 756 adopted at the 1951 Regular Session of the Legislature of Alabama so as to include authorization for enlargement, improvement and expansion of projects in connection with the acquisition thereof under the provisions of said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 756 adopted at the 1951 Regular Session of the Legislature of Alabama is hereby amended so that the said title shall read as follows:

"To authorize each of the municipalities in this state to acquire, and in connection with such acquisition to enlarge, improve and expand, properties suitable for use by any one or a combination of the following: (a) any industry for manufacturing, processing, or assembling any agricultural or manufactured product and (b) any commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining and industry; to authorize municipalities to lease such properties subject to certain specified requirements; to authorize municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the

leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; to provide that all such bonds shall be negotiable instruments; to authorize the refunding of any such bonds; to provide for remedies in the event of default respecting any bonds issued under the act; to exempt from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; to prohibit any municipality from making contributions to the cost of any such properties and from furnishing land therefor; to provide that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; to provide that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; to provide the purposes for which the proceeds from the sale of such bonds may be used; to provide that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof."

Section 2. Section 2 of Act No. 756 adopted at the 1951 Regular Session of the Legislature of Alabama is hereby amended so that the said section shall read as follows:

"Section 2. **LEGISLATIVE INTENT.** It is the intent of the legislature by the passage of this act to authorize municipalities to acquire, own and lease, and in connection with any such acquisition to enlarge, improve and expand, projects for the purpose of promoting industry and trade by inducing manufacturing, industrial and commercial enterprises to locate in this state, or to expand and enlarge existing enterprises, or both, promoting the use of agricultural products and natural resources of this state, and promoting a sound and proper balance in this state between agriculture, commerce and industry. It is intended that each project be self-liquidating. It is not intended hereby to authorize any municipality itself to operate any manufacturing, industrial or commercial enterprise. This act shall be liberally construed in conformity with the said intent."

Section 3. Section 3 of Act No. 756 adopted at the 1951 Regular Session of the Legislature of Alabama is hereby amended so that the said section shall read as follows:

"Section 3. **ADDITIONAL POWERS CONFERRED ON MUNICIPALITIES.** In addition to any other powers which it may now have, each municipality shall have the following powers: (1) To acquire, and in connection with such acquisition to enlarge, improve and expand, whether by construction, purchase, gift or lease, one or more projects, which shall be located

within this state and may be located within or without the municipality, or partially within or partially without the municipality, but which shall not be located more than fifteen miles outside of the corporate limits of the municipality; (2) To lease to others any or all of its projects for such rentals and upon such terms and conditions as the governing body may deem advisable and as shall not conflict with the provisions of this act; and (3) To issue revenue bonds for the purpose of defraying the cost of acquiring, by construction and purchase, and in connection with any such acquisition, to enlarge, improve and expand, or any thereof, any project, and to secure the payment of such bonds, all as hereinafter provided. No municipality shall have the power to operate any project as a business or in any manner except as lessor thereof."

Section 4. Effective Date. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 3:35 P. M.

Act No. 123

H. 130—Crawford

AN ACT

To authorize the court of county commissioners, board of revenue, or like governing body of certain counties classified on a population basis to prescribe the times when county offices may be closed.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of not less than 15,000 nor more than 15,300, according to the 1960 or any subsequent federal decennial census.

Section 2. The board of revenue, court of county commissioners or like governing body of every county coming under the purview of this Act may, in its discretion, and by resolution duly adopted, authorize the offices of the officials in the courthouse or in other buildings used for county purposes to be closed at noon two days each week or all day one day each week in addition to Sundays and legal holidays.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 6:32 P. M.

Act No. 124

H. 150—Powell

AN ACT

Relating to Elmore County, regulating the compensation of members of the court of county commissioners, board of revenue, or other like county governing body, repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the court of county commissioners, board of revenue, or other like governing body of Elmore County shall be paid for his services an annual salary of \$4,800 and 10 cents a mile for each mile necessarily traveled on official county business. The salaries of the members shall be paid in equal monthly installments on warrants drawn on any funds in the county treasury available for that purpose according to law. Claims for mileage shall also be paid from any funds in the county treasury available for that purpose, upon requisitions approved by the county governing body. The county governing body may, as provided in Code of Alabama, Recompiled 1958, Title 51, Sections 655 (1) and 655 (2), provide for payment of a portion of said salary and mileage out of gasoline tax revenues.

Section 2. Act No. 459, H. 838, Regular Session 1953 (Acts 1953, v. 1, p. 563), Act No. 387, H. 323, Regular Session 1949 (Acts 1949, p. 561), and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect immediately upon its enactment.

Approved May 9, 1963.

Time: 6:34 P. M.

Act No. 125

H. 151—Powell

AN ACT

To repeal Act No. 798, H. 1390, Regular Session 1961 (Acts 1961, v. 2, p. 1160) entitled "An Act To impose extra, new, and additional duties upon the members of the court of county commissioners, board of revenue, or other like governing body of Elmore County, and to provide additional compensation for the performance of such duties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 798, H. 1390, Regular Session 1961 (Acts 1961, v. 2, p. 1160) entitled "An Act To impose extra, new, and additional duties upon the members of the court of county commissioners, board of revenue, or other like governing body of Elmore County, and to provide additional compensation for the performance of such duties," is hereby expressly repealed.

Section 2. This Act shall take effect immediately upon the expiration of the term or terms of the commissioner or commissioners whose term or terms expire first, as provided in Amendment No. 92, Constitution of Alabama.

Approved May 9, 1963.
Time: 6:35 P. M.

Act No. 126 H. 158—Engel, Downing, Smith, Hogan, Rogers,
Fields, Edington, McDermott

AN ACT

To provide for advisory referendum elections in cities having populations of 200,000-300,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The council or commission or other like legislative body of a city having a population of not less than 200,000 nor more than 300,000, according to the most recent federal decennial census, may call and provide for holding an election to ascertain the sentiment of the voters of the city concerning any public question or proposition on which such body may adopt ordinances or enact municipal legislation.

Section 2. The commission, council, or other like legislative body of the city in which an election is held under this act shall designate the number and location of voting places and shall appoint three managers, two clerks, and one returning officer for each voting place in the city to conduct the election, and the mayor or other chief executive of the city shall notify the managers, clerks, and returning officers of their appointment and shall deliver the box and ballots to the managers at the several voting places in the city. If voting machines are to be used at the election then the election officials therefor shall be appointed and the election shall be conducted as prescribed in the applicable provisions of Sections 91-119, Title 17, Code of Alabama, as amended, or any other law governing the use of voting machines at municipal elections.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.
Time: 6:37 P. M.

Act No. 127

H. 159—Cates

AN ACT

Relating to Shelby County, conferring limited legislative powers on the county governing body in relation to the establishment of a retirement system for certain employees of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Shelby County may by ordinance or resolution having the effect of law provide for the establishment of a retirement system for those employees of the county heretofore or hereafter appointed or employed in county service by the county governing body. No county officer shall be eligible for membership in any retirement system so established, nor shall the deputies or employees of county officers be covered thereby.

Section 2. The governing body of the county may provide by contract or otherwise for the coverage of its employees in the state employees' retirement system, at its option, or it may contract with any public or private agency engaged in the business of selling annuities, provided that any retirement plan established by the county governing body shall be actuarially sound and irrevocable as to any person who attains a vested right therein.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 6:38 P. M.

Act No. 128

H. 161—Cates

AN ACT

To amend further Act No. 479, H. 1079, Regular Session 1959 (Acts 1959, p. 1198), an act establishing the Law and Equity Court for Shelby County, so as to provide further for the compensation of the secretary to the judge.

Be It Enacted by the Legislature of Alabama:

Section 7 of Act No. 479, H. 1079, Regular Session 1959 (Acts 1959, p. 1198), an act establishing the Law and Equity Court for Shelby County, is amended to read as follows:

"Section 7. That the said Shelby County Law and Equity Court shall be held at the courthouse of Shelby County, Alabama, and that said court shall be open at all times for the trial of cases and transactions of business. In case of sickness or dis-

qualification of the judge of said court, the law applicable to the appointment and service of special judges in the Circuit Court shall apply, and the special judge appointed shall receive for his services the same pay that special Circuit Judges receive for their services and the same to be paid out of the General Funds of Shelby County, Alabama on the certificate of the Clerk of the Register making the appointment. The Judge of said Court shall be subject to the same penalties for failure to attend upon the Court as are Circuit Judges of this State. The Judge of said Court shall keep an office in the courthouse of Shelby County, Alabama, or at such other suitable place as may be provided by the Board of Revenue and Control of Shelby County, and it shall be the duty of the Board of Revenue and Control of Shelby County to provide such office and supply the same with all furnishings, fixtures, stationery, telephone and other supplies necessary to enable the Judge of said Court to efficiently conduct the affairs of his office. The Judge may employ a competent secretary, whose compensation shall be fixed by the Judge at not more than \$2,400 a year. The salary of the secretary shall be payable in equal monthly installments out of the county treasury, on requisitions signed by the Judge of the Court."

Approved May 9, 1963.

Time: 6:40 P. M.

Act No. 129

H. 176—Bolton, Camp

AN ACT

Relating to counties having populations of not less than 65,000 nor more than 95,000; providing further for the operation of the offices of circuit solicitors in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census.

Section 2. The circuit solicitor serving the circuit court of any county to which this Act applies may appoint a clerical assistant, who shall serve at his pleasure and perform such duties as he may prescribe. The assistant shall be entitled to a salary of not less than \$2,400 nor more than \$3,600 per annum, to be fixed by the circuit solicitor, which salary shall be paid in equal monthly installments out of the county treasury on warrants drawn in the manner prescribed by law.

Section 3. The court of county commissioners, board of revenue, or other like governing body of any county in which this Act applies shall provide supplies and materials for the circuit

solicitor for use in his office in the aggregate principal amount of \$250 a year, to be bought from time to time by the solicitor as the need therefor may arise.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 6:41 P. M.

Act No. 130

H. J. R. 51—Bowers

HOUSE JOINT RESOLUTION

WHEREAS, it appears that there is in the United States today, a growing tendency to devalue or ignore the rich patriotic heritage from which were derived our national character and the fundamental freedom of the American way of life; and

WHEREAS, an increasing variety of disturbing philosophies of both foreign and domestic origins strive to downgrade clear thinking, loyal and dynamic American patriotism; and

WHEREAS, the continued impact upon our citizens of all such divisive influences may impair or destroy our national unity and security; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature of Alabama hereby urges the President of the United States to create and activate a committee identified by such appropriate name as the "President's Americanism Corps," or the "President's Ambassadors of Loyalty," or the "President's Committee for American Ideals"; and that the President instruct this special committee to establish and direct a vigorous nationwide campaign, implemented by volunteer patriotic individuals, organizations, and institutions, to the end that all loyal citizens in every community of our land may demonstrate vigorous, positive adherence to historically tested, "old-fashioned" American ideals and practices.

BE IT FURTHER RESOLVED, That the Legislature urges all loyal citizens to give their wholehearted support to such a movement as a most effective patriotic countermeasure against

any effort to compromise, weaken or destroy our American way of life.

BE IT RESOLVED FURTHER, That the Clerk of the House send a copy of this resolution to the President of the United States and to each member of the Alabama Congressional delegation.

Approved May 9, 1963.
Time: 6:42 P. M.

Act No. 131

H. J. R. 53—Young

HOUSE JOINT RESOLUTION

WHEREAS, the ante bellum and stately governors mansion is an object of great interest on the itinerary of hundreds of out of state visitors and countless school children on visit to the capitol city; and

WHEREAS, a well designed and distinct uniform to be worn by the security officers assigned to the mansion would contribute greatly to the overall favorable impression of the mansion, and would add dignity, color, and character to the position of security officer; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, THE HOUSE AND SENATE CONCURRING, That it is recommended that the Governor prescribe the type uniform best suited to accomplish the purpose of this resolution and that he consult with and defer to the judgment of his charming and gracious wife in all matters of design and distinct characteristics of such uniform.

Approved May 9, 1963.
Time: 6:43 P. M.

Act No. 132

H. 183—Boston, Hannah

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Florence in Lauderdale County are hereby altered, rearranged, and extended so as to include within the corporate limits of the city the following described territory situated in Lauderdale County, to-wit:

A tract or parcel of land lying and being in Section 27, Township 2 South, Range 11 West, Lauderdale County, Alabama, more particularly described as follows: Beginning at a point on the North side of Alexander Heights, where the West line of Block 7, Forest Hills, intersects said North Line of Alexander Heights; run thence Westwardly along the North line of said Alexander Heights for a distance of 510 feet to a point; run thence Northwardly and parallel to the West line of said Block 7, Forest Hills, for a distance of 977.19 feet to a point, said point being the Southeast corner of Forest Hills Addition; run thence North 89 degrees 15 minutes West along the South line of Forest Hills Addition for a distance of 795.05 feet to the Southwest corner of said Forest Hills Addition; run thence North 11 degrees 57 minutes West along the boundary of Forest Hills Addition 2056.8 feet to a point; continue thence along the boundary of Forest Hills Addition North 15 degrees 42 minutes West for a distance of 887 feet to a point; run thence South 89 degrees 38 minutes East along the boundary of Forest Hills Addition for a distance of 469.5 feet to a point; run thence North 1 degree 4 minutes East for a distance of 665.35 feet along the boundary of Forest Hills Addition to the center line of Rasch Road, said center line being the North line of said Section 27; run thence Eastwardly along the North line of said Section 27 to the existing City limit line; run thence Southwardly, Eastwardly and Southwardly along the West line of Greenview Memorial Cemetery and Forest Hills, said line being the existing City limit line, to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 6:44 P. M.

Act No. 133

H. 184—Cates

AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the City of Montevallo so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Montevallo in Shelby County, Alabama, are hereby altered, rearranged, and extended so as to include within the corporate limits of the city the following described territory in addition to the area now embraced within the boundaries and corporate limits, to-wit:

In Section 15, Township 22, Range 3 West:

All of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ lying southeasterly of State Highway No. 119;

All of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying west of Shoal Creek;

The W $\frac{1}{2}$ of SW $\frac{1}{4}$.

In Section 16, Township 22, Range 3 West:

The SE $\frac{1}{4}$.

In Section 21, Township 22, Range 3 West:

The NE $\frac{1}{4}$ of NE $\frac{1}{4}$.

All the above described territory is in Shelby County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 6:45 P. M.

Act No. 134

H. 192—Boston, Hannah

AN ACT

To authorize the court of county commissioners, board of revenue, or like governing body of certain counties, classified on a population basis to prescribe the times when county offices may be closed.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of not less than 61,000 nor more than 65,000, according to the 1960 or any subsequent federal decennial census.

Section 2. The board of revenue, court of county commissioners or like governing body of every county coming under the purview of this Act may, in its discretion, and by resolution duly adopted, authorize the offices of the officials in the courthouse, including specifically the office of the judge of probate, or in other buildings used for county purposes to be closed at noon two days each week or all day one day each week in addition to Sundays and legal holidays.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 6:46 P. M.

Act No. 135

H. 193—Turner (Limestone)

AN ACT

To amend further Section 12 of Act No. 199, H. 603, Regular Session 1947 (Loc. Acts 1947, p. 113), an act creating and establishing in Limestone County a court known as "The Limestone County Court," so as to increase the compensation of the reporter.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 199, H. 603, Regular Session 1947 (Loc. Acts 1947, p. 113), an act creating and establishing "The Limestone County Court," as amended, is amended further to read as follows:

"Section 12. Reporter. The Judge shall secure the services of a competent Reporter to attend the sessions of the Court and report all cases tried when request therefor is made by any party to the suit. The Reporter shall serve at the will and pleasure of the Judge. The Reporter shall receive \$25.00 for each day, or fraction thereof, that he is called upon to serve, to be paid out of the general fund of the County, and in addition he shall receive for his own use from the parties interested, at their request, fifteen cents (15¢) per hundred words for making a transcript of evidence taken by such reporter, and five cents (5¢) per hundred words for each copy thereof, to be paid to said Reporter in advance, upon ordering such transcript or copy thereof. He shall be required to keep his notes and records for public use and inspection."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 6:47 P. M.

Act No. 136

S. J. R. 19—Eddins

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE CONCURRING:

That, whereas, there have heretofore existed between the State of Alabama and her sister State of Florida good trade relations and the free flow of commerce between said States, and the produce of each has been used to the mutual benefit of both; and,

Whereas, for many years dairy farmers in the State of Alabama have supplied fluid milk in large quantity for sale in

the State of Florida, and more particularly in that portion adjacent to the State of Alabama and known as Northwest Florida, and dairy farmers in the State of Florida have supplied fluid milk for consumption in Alabama; and,

Whereas, the Florida Milk Commission did, effective on or about the 20th day of December, 1962, promulgate an Order, designated Order No. 220-1.05, which said order purports to be a basing order for the Pensacola milk marketing area; and,

Whereas, the order and the interpretation placed thereon is extremely discriminatory and is detrimental to the Alabama dairy producer marketing his milk in the Florida market, abrogating contracts of many years standing, and such order will damage Alabama producers marketing their milk in the State of Florida very extensively and in some instances irrevocably;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, that said Legislature takes note of such Order No. 220-1.05 of the Florida Milk Commission and considers the same to be the imposition of a trade barrier between the State of Alabama and her sister State of Florida and respectfully requests that action be taken by the proper authorities of the State of Florida immediately to remove such trade barrier, and that a copy of this resolution be forwarded to the Honorable Farris Bryant, Governor of the State of Florida, the Honorable Doyle Conner, Secretary of Agriculture of the State of Florida, and to the Legislature, presently assembled, of the State of Florida.

Approved May 9, 1963.

Time: 2:30 P. M.

Act No. 137 H. 8—Campbell (Tuscaloosa), Mashburn, Hogan, Rogers, Downing, McCorquodale, Harper, Davis, Boston, Bassett, Glass, Jones (Covington), Daniel, Edwards (Lowndes), Doggett, Heflin, Teel, Crawford, Meade, Cook, Turner (Crenshaw), Turnham, Goodwyn, Pierce, Engel, Thomas, Callahan, Drake, Avery, Fite, Hankins, Turner (Limestone), Cornett, Owens, Burns, Goldthwaite, Baker (DeKalb), Reynolds, Collins, Nabors, Hannah, Cates, Cantrell, Bolton, McDermott, Pennington, Merrill, Sullivan, Edwards (Escambia), Little, Branyon, Stembridge, Bailes, Baker (Madison), Hester, Brown (Jefferson)

AN ACT

To make an additional appropriation to the Alabama Board of Cosmetology for the fiscal year ending September 30, 1963.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$9,565.49, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury to the credit of the Alabama Board of Cosmetology which were derived from fees, licenses, or other income of the board as provided by law, in addition to all other amounts heretofore appropriated, for expenditure by the board during the fiscal year ending September 30, 1963, for the following purposes, in the amounts specified, to wit: For salaries, \$4,855.49; for other expenses, \$4,710.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 2:23 P. M.

Act No. 138

H. 7—Jones (Covington), Goodwyn, Turnham,
Albea, Casey, Perry

AN ACT

To provide that in equity suits the depositions of witnesses or parties upon oral examination for discovery or for use as evidence may be taken as provided in Act No. 375 of the Legislature of Alabama of 1955, approved September 8, 1955 (Acts of Alabama of 1955, page 901 et seq.); to provide that in equity suits the scope of the examination, the use of such depositions, the effect of using such depositions, the method of compelling the attendance of the person sought to be examined and the penalties for the failure of such person to appear for such examination, shall be the same as provided for by said Act No. 375 of the Legislature of Alabama of 1955; to provide that the provisions of this Act shall apply to future suits and pending suits and also to depositions heretofore taken in pending suits, provided the party or parties taking such depositions in taking the same proceeded under said Act No. 375 of the Legislature of Alabama of 1955; and to provide that the provisions of any law or rule of court in conflict with the provisions of this Act shall be repealed to the extent of such conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. In any equity suit in the state, whether such suit be pending at the time of the adoption of this Act or be thereafter filed, any party may take the deposition of any person, including a party, by deposition upon oral examination for the purpose of discovery, or for use as evidence, in the suit, or for

both purposes, in the manner, upon the terms and conditions prescribed by Act No. 375 of the Legislature of Alabama of 1955, approved September 8, 1955 (Acts of Alabama of 1955, page 901 et seq.), hereinafter referred to as Act No. 375.

Section 2. The scope of the examination and cross-examination shall be the same as that provided for in Act No. 375.

Section 3. (a) Subject to the conditions set forth in subsection (b) of this Section 3, the depositions provided for by this Act shall be governed by the following sections of Act No. 375:

Section 4, entitled "USE OF DEPOSITIONS."

Section 5, entitled "OBJECTIONS TO ADMISSIBILITY."

Section 6, entitled "EFFECT OF TAKING OR USING DEPOSITIONS."

Section 7, entitled "NOTICE OF EXAMINATION; TIME AND PLACE."

Section 8, entitled "STIPULATIONS REGARDING THE TAKING OF DEPOSITIONS."

Section 9, entitled "ORDERS FOR THE PROTECTION OF PARTIES AND DEPONENTS."

Section 10, entitled "MOTION TO TERMINATE OR TO LIMIT EXAMINATION."

Section 11, entitled "RECORD OF EXAMINATION; OBJECTIONS."

Section 12, entitled "PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN."

Section 13, entitled "SUBMISSION TO WITNESS; CHANGES; SIGNING."

Section 14, entitled "CERTIFICATION AND FILING BY OFFICER; COPIES; NOTICE OF FILING."

Section 15, entitled "FAILURE TO ATTEND OR TO SERVE SUBPOENA; EXPENSES."

Section 16, entitled "EFFECT OF ERRORS AND IRREGULARITIES IN DEPOSITIONS."

Section 17, entitled "REFUSAL TO ANSWER."

(b) The word "judgment" as used in any of the sections of Act No. 375 shall include decree or order; and the word "clerk" as used in any of the sections of Act No. 375 shall include "register."

Section 4. (a) This Act shall apply to suits pending at the time of the adoption of the Act and to suits thereafter filed.

(b) If any party to any suit pending when this Act is adopted has theretofore taken any deposition or depositions in such suit and in taking such deposition or depositions has conformed to, or complied with, the provisions of Act No. 375 governing the taking of depositions in actions at law, then this Act shall apply to such deposition or depositions and to the use and consideration thereof in the said suit; and if such pending suit is submitted to the Court prior to the adoption of this Act and any such deposition or depositions taken as aforesaid has been offered in evidence by either party to the suit prior to the said submission, the Court having the said suit on submission shall accord the said deposition or depositions the same consideration and effect as if this Act had been in effect at the time of the submission of said suit.

Section 5. The provisions of any law or rule of Court in conflict with the provisions of this Act shall be repealed to the extent, but only to the extent, of such conflict.

Section 6. The provisions of this Act are in addition to any other provisions relating to the taking of depositions or discovery depositions of witnesses or parties and the provisions of this Act are cumulative.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 9, 1963.
Time: 2:22 P. M.

Act No. 139

H. 16—Nabors, Burns, Owens

AN ACT

To amend further Code of Alabama 1940, Title 7, Section 509 in relation to bill of costs to accompany the execution.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 509 of Title 7, Code of Alabama 1940, as amended, is amended so that same shall hereafter read as follows:

“Section 509. Bill of costs to accompany the execution.—At the foot or on some part of the execution, the clerk or register of such court shall certify the total amount of court costs and fees to accompany execution but otherwise such court costs and fees need not be itemized in or on executions, and without such

total amount of the costs and fees being placed upon said execution, the clerk or register issuing the execution forfeits all rights to receive any costs and fees in that case."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 2:21 P. M.

Act No. 140 H. 25—Bowers, Albea, Locke, Burns, Brown (Jefferson), Baker (Madison), Perry, Turnham, Sullivan, Mashburn, Downing, Steagall, Stembridge, Hawkins, Bailes, Goodwyn, B. Bethea, Brewer, Gilmore, Meeks, Rast, Dominick, Etheredge, M. Bethea, Baker (DeKalb), Merrill, Powell, Harper, Ingram, Teel, Crawford, Cooper, Paulk, Heflin, Doggett, Edwards (Escambia), Jones (Covington), Little, Goldthwaite, Edwards (Lowndes), Bassett, Glass, Hester, McCorquodale, Cornett, Thomas, Faulk, Meade, Owens, Nabors, Young, Avery, Cantrell, Campbell (Tuscaloosa), Engel, Hogan, Camp, Edington, Holladay, Blanton, Fields, Fite, Cook, Drake, Smith, Scurlock, Beville, Moore, Slate, Turner (Limestone), Vacca, Sessions, Morrow, Collins, Hankins, Martin, Hannah, Boston, Cates, Brown (Tuscaloosa), Barnett, Davis, Pruitt, NeSmith

AN ACT

Making a legislative finding of fact relating to communism; requiring instruction in the public high schools of the history, doctrines, objectives and techniques of communism as a movement as opposed to the American system of representative government.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of the State of Alabama hereby finds it to be a fact that (a) the political ideology commonly known and referred to as Communism is in conflict with and contrary to the principles of constitutional government of the United States of America as epitomized in its National Constitution. (b) the successful exploitation and manipulation of youth and student groups throughout the world today are a major challenge which free world forces must meet and defeat, and

(c) the best method of meeting this challenge is to have the youth of the state and nation thoroughly and completely informed as to the evils, dangers and fallacies of Communism by giving them a thorough understanding of the entire Communist Movement, including its history, doctrines, objectives and techniques.

Section 2. In all public high schools of this state adequate instruction shall be given each year in the history, doctrines, objectives and techniques of Communism and shall be for the primary purpose of instilling in the minds of the students a greater appreciation of democratic processes, freedom under law, and the will to preserve that freedom.

Section 3. The direction of study shall be one of orientation in contrasting the government of the United States of America with the Soviet government and shall emphasize the free-enterprise-competitive economy of the United States of America as the one which produces higher wages, higher standards of living, greater personal freedom and liberty than any other system of economics on earth. It shall lay particular emphasis upon the dangers of Communism, the ways to fight Communism, the evils of Communism, the fallacies of Communism, and the false doctrines of Communism.

Section 4. The state textbook committee and the State Board of Education shall take such action as may be necessary and appropriate to prescribe suitable textbook and instructional material as provided by state law, using as one of its guides the official reports of the House Committee on Un-American Activities and the Senate Internal Security Sub-Committee of the United States Congress.

Section 5. No teacher or textual material assigned to this instruction shall present Communism as preferable to the system of constitutional government and the free-enterprise-competitive economy indigenous to the United States of America.

Section 6. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 7. The course of study hereinabove provided for shall be taught in all of the public high schools of the state no later than the school year commencing in September 1964, or as soon thereafter as the city or county superintendent of education deems it feasible.

Section 8. This bill shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 9, 1963.
Time: 2:20 P. M.

Act No. 141

H. 71—Hester, Fite, Cantrell

AN ACT

To make an appropriation to the use of Bear Creek Watershed Association, a nonprofit corporation created for the promotion of public improvements and also to the Choccolocco Creek Watershed Association.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, for each of the fiscal years ending September 30, 1964 and September 30, 1965, to Bear Creek Watershed Association, a nonprofit corporation organized under Code of Alabama, Title 10, Section 150, for the purpose of promoting the development of public improvements. The money herein appropriated shall be paid out by the state treasurer out of any money in the state treasury not otherwise appropriated upon warrants issued by the state comptroller; and the state comptroller shall issue his warrants upon requisitions signed by the president or comptroller of Bear Creek Watershed Association and approved by the Governor.

Section 2. The sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, for each of the fiscal years ending September 30, 1964 and September 30, 1965, to Choccolocco Creek Watershed Association, of Calhoun County, for the purpose of promoting the development of public improvements. The money herein appropriated shall be paid out by the state treasury out of any money in the state treasury not otherwise appropriated upon warrants issued by the state comptroller; and the state comptroller shall issue his warrants upon requisitions signed by the president or comptroller of Choccolocco Creek Watershed Association and approved by the Governor.

Approved May 9, 1963.

Time: 2:17 P. M.

Act No. 142

H. 100—Downing, Vacca, Rogers, McDermott,
Engel, Hogan, Edington, Fields

AN ACT

Relating to intoxicating liquors; amending Code of Alabama 1940, Title 29, Section 206.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 29, Section 206 is hereby amended to read as follows:

“Section 206. When any such person desires to have shipped from outside of the state, wine for sacramental purposes in the

usual religious exercises of his denomination, he may apply to the board for a permit, stating the amount desired, during what period and for what purpose, and said board, if satisfied of the good faith of the application, shall grant a written permit to the applicant, permitting the shipment of such amount as is shown to be reasonably necessary, to be stated in the permit, for the time stated for such purpose, which said permit is to be attached to the package when shipped into the state."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.
Time: 2:12 P. M.

Act No. 143

H. 122—Bevill, Camp, Callahan, Sullivan
AN ACT

To amend Section 1, sub-sections (a) and (b) Act No. 576, approved August 29, 1961, which makes appropriations for mental health purposes from the Alabama Special Mental Health Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other funds heretofore appropriated to the Board of Trustees of the University of Alabama, there are hereby appropriated to the Board of Trustees of the University of Alabama for each of the two fiscal years ending respectively September 30, 1962 and September 30, 1963, the sums hereinafter provided, for the mental health purposes hereinafter set forth:

TO THE BOARD OF TRUSTEES OF THE
UNIVERSITY OF ALABAMA:

- (a) For the Medical College of Alabama, for salaries of professional and related personnel in its Department of Psychiatry,
For the fiscal year ending September 30, 1962...\$ 44,000.00
- (b) For the Medical College of Alabama for stipends and scholarships to be paid to trainees in the field of psychiatry,
For the fiscal year ending September 30, 1962... 24,000.00
For the Medical College of Alabama, for Salaries of professional and related personnel in its Department of Psychiatry and for stipends and scholarships to be paid to trainees in the field of psychiatry,
For the fiscal year ending September 30, 1963... 172,200.00

Approved May 9, 1963.
Time: 2:06 P.M.

Act No. 144 H. 157—Bowers, Collins, Camp, Owens, Burns, Bevill, Turnham, Salter, Masburn, Jones (Covington), Edwards (Escambia), Brown (Tuscaloosa), Hester, Pennington, Carr, Albea, Drake, Hain, Cooper, Sessions, Edwards (Lowndes), Moore, McDermott, Downing, Smith, Goodwyn, Fite, Meade, Nabors, Young, Cantrell, Slate, Turner (Limestone), Gilmore, Vacca, Bailes, Dominick, M. Bethea, Meeks, Brown (Jefferson), Locke, Etheredge, Morrow, Hannah, Baker (Madison), NeSmith, Harper, Turner (Crenshaw), Burnham, Powell, Brewer, Cates, Campbell (Tuscaloosa), B. Bethea.

AN ACT

To provide for the establishment and conduct of a pilot or demonstration class for certain emotionally disturbed children to be located in Jefferson County; and to make an appropriation to the board of education of Jefferson County to be used for the professional training and salary of a teacher for such a class and other expenses incident to establishing and conducting such a class.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated from the Alabama general fund for the biennium beginning October 1, 1963 and ending September 30, 1965, to the board of education of Jefferson County, to be used for the purpose of supplementing the stipend for the professional training of a teacher, paying the salary of a teacher and other expenses incident to establishing a pilot or demonstration class for emotionally disturbed children. Pupils to be enrolled in the class shall be selected by the board of education of Jefferson County in such manner as the board of education approves. The class shall be conducted in connection with a school which is under the supervision and control of the board of education of Jefferson County.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 1:59 P. M.

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 31,500 nor more than 33,500 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 31,500 nor more than 33,500 according to the 1960 or any subsequent federal decennial census.

Section 2. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in any county to which this Act applies on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 3. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 4. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, coturnix quail, pheasants, chuckar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of

200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 5. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section, and an issuance fee of fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 6. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 7. The operators of hunting preserves shall cooperate in requests which the director of conservation might make for scientific investigations, and the department of conservation shall specify tags, if any, which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 8. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. The operator shall also

give to each hunter a certificate showing the location and license number of the preserve; the name, address and license number of the hunter; the date on which he hunted; and the amount and species of game taken by him. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time.

Section 9. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 10. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 11. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.
Time: 2:11 P. M.

Act No. 146

H. 164—Steagall

AN ACT

To validate certain elections held since September 15, 1961, under any constitutional amendment or the provisions of Article 6 or 7 of Chapter 10, Title 52, Code of Alabama, 1940, or under any other law, for the purpose of authorizing a special tax for school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. All elections whether in county or city school districts or in counties at large, which have been held since September 15, 1961, under any amendment to the Constitution or the provisions of Article 6 or 7 of Chapter 10, Title 52, Code of Alabama, 1940, or any other law, for the purpose of authorizing a special tax for any school purpose or for school purposes generally under the Constitution of Alabama, which said elections resulted in a majority of the votes cast being in favor of the said tax and which said elections were irregular by reason of failure prior to actual holdings of the elections to give notice thereof in a newspaper or by reason of any other irregularity, be and the same are hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such elections had been duly and legally complied with at or prior to the time the elections were held; and the said tax shall be levied and collected accordingly.

For the purpose of validating all such elections in county or city school districts, all elections held in counties at large since September 15, 1961, and prior to the date of any such district tax election, under the provisions of any amendment to the Constitution or Article 6 or 7, Chapter 10, Title 52, Code of Alabama, 1940, or any other law, for the purpose of authorizing a special tax for any school purpose or school purposes generally under the Constitution of Alabama, which said elections resulted in a majority of the votes cast being in favor of said tax and which said elections were irregular by reason of failure prior to the actual holdings of the elections to give notice thereof in a newspaper or by reason of any other irregularity, be and the same hereby are ratified and confirmed as of the date such county-wide elections were so held and given effect in all respects as if all provisions of law relating to such county-wide elections had been duly and legally complied with and said tax shall be levied and collected accordingly. Each such county-wide school tax, the election thereon and the levy and collection thereof are hereby ratified, confirmed and validated retroactively to the date of such elections thereon; and each such tax for each county and city school district in such county which was voted at an election held subsequent to such county-wide school tax elections is accordingly ratified, confirmed and validated retroactively to the date of the election thereon and given effect in all respects as if all provisions of law relating thereto, including a valid county-wide tax election, levy

and collection, had been duly and legally complied with; and each such county and city school district tax shall be levied and collected accordingly.

Section 2. The provisions of this act shall not apply to elections which have been in express terms held and declared illegal by any board of revenue or court of county commissioners or by the Supreme Court of Alabama prior to the effective date of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.
Time: 2:13 P. M.

Act No. 147 H. 165—Crawford, Cornett, Steagall, Grouby, Cooper, Paulk, Heflin, Meade, Snell, Bassett, Jones (Monroe), Drake, Faulk, Harper, Baker (DeKalb), Beville, Teel, Holladay, Stembridge, Blanton, McCorquodale, Cantrell, Reynolds, Thomas, Merrill, Etheredge, Fite, Salter, Turnham, Brown (Jefferson), Hester, Edwards (Escambia), Wood, Turner (Crenshaw), Cook, Campbell (Tuscaloosa), Camp, Burns, Powell, Nabors, Young, Pennington, Boston, Moore, Gilmore, Morrow, Engel, Hain

AN ACT

To make an appropriation to the Tri-Rivers Development Corporation of Alabama.

WHEREAS, opening of the Chattahoochee River to commercial navigation from the Gulf of Mexico to many industrial towns in Alabama and Georgia should contribute greatly toward the full development of the vast industrial potential of the Chattahoochee River Basin and much of East Alabama; and

WHEREAS, the Columbia Lock and Dam and the Walter F. George Lock and Dam, both of which have been recently constructed will be dedicated in June and the installation of these improvements on the Chattahoochee River brings Alabama much nearer the attainment of her ultimate goal; and

WHEREAS, it is in the public interest to assure the widest possible dissemination of information of this event so as to call nation-wide attention to the opening of this important waterway; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the general funds of the state the sum of five thousand dollars (\$5,000) to the Tri-Rivers Development Corporation to be used to help pay the expenses incurred in or incidental to conducting the dedication ceremonies marking the opening of the Columbia Lock and Dam and the Walter F. George Lock and Dam on the Chattahoochee River.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 2:15 P. M.

Act No. 148

S. 3—Hawkins

AN ACT

To amend Act No. 57 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, which provides for the sale and issuance by any County Board of Education or City Board of Education of interest bearing tax anticipation warrants for school purposes, so as to clarify the provisions of the said act with respect to the issuance thereunder of refunding warrants; so as to provide that refunding warrants may be issued under the said act whether or not the principal of the warrants to be refunded shall have matured or shall be subject to redemption or cancellation at the time of such refunding; and so as to provide that any principal or interest payment of which is provided for by an irrevocable trust fund shall, to the extent covered by such trust fund, be excluded from any computation, for the purposes of the said act, of the amount of principal and interest to become due on outstanding warrants of such Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 57 adopted at the 1959 Second Extraordinary Session of the Legislature of Alabama shall be and hereby is amended to read as follows:

“Section 1. Any county board of education and any city board of education may issue and sell interest bearing tax anticipation warrants for the purpose of paying the costs of erecting, acquiring, providing, constructing, purchasing, altering, enlarging, improving, repairing and equipping school buildings, school playgrounds and buildings for housing and repairing school busses, and for the purpose of purchasing school busses, or for any one or more of such purposes. Warrants issued under the provisions of this act shall not be general obligations of the board of education issuing such warrants but shall be payable, as to both principal and interest, solely out of one of the following: (a) the pro-

ceeds of any ad valorem tax voted under the constitution for the purpose of paying such warrants, or for school purposes generally, and paid, apportioned or allocated to or for the benefit of the board of education issuing such warrants, (b) the proceeds of any ad valorem tax that may be paid, apportioned or allocated to or for the benefit of the board of education issuing such warrants, or (c) the proceeds of any privilege, license or excise tax or taxes that may be paid, apportioned or allocated to or for the benefit of the board of education issuing such warrants. Any board of education issuing any warrants hereunder shall specify, in the proceedings authorizing such warrants, the tax proceeds out of which such warrants are to be payable and shall secure payment of the principal thereof and the interest thereon by a pledge of so much as may be necessary therefor of such tax proceeds. If any such board of education makes more than one such pledge with respect to the proceeds from the same tax, then such pledges shall take precedence in the order in which they are made unless the proceedings making the pledge prior in time shall specifically provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of the same tax proceeds. Warrants issued pursuant to the provisions of this act shall constitute preferred claims against the tax proceeds out of which they are payable, subject to prior pledges, and shall have preference over claims for salaries or other operating expenses or any other purpose. No board of education may issue, under the provisions of this act, warrants payable out of the proceeds of any ad valorem tax if the principal and interest maturing on such warrants in any fiscal year, when added to the principal and interest maturing in the same fiscal year on all warrants of such board of education then outstanding and constituting preferred claims against said ad valorem tax, would exceed eighty per cent of the annual proceeds of said ad valorem tax, computed upon the basis of the last assessed valuation on which taxes were due and payable, of the county or the district, as the case may be, as certified by the county tax assessor; provided, however, that if an irrevocable trust fund consisting of cash or direct general obligations of the United States of America, or both, shall be established for retirement of all or part of the principal of or interest on any outstanding warrants of a board of education, then, to such extent as the retirement thereof shall be provided for by the said trust fund (including the cash therein and all sums due to be paid by the said United States under the terms of any of its direct general obligations forming a part of the said trust fund), the said principal and interest shall be excluded from any computation for the purposes of this sentence of the amount of principal and interest maturing with respect to outstanding warrants."

Section 2. Section 3 of the said Act No. 57 shall be and hereby is amended to read as follows:

"Section 3. Any county board of education and any city board of education may from time to time sell and issue refunding warrants for the purpose of refunding the principal of warrants then outstanding that were issued by the said board of education under the provisions of either this act or any other act or statute, and the interest accrued on the warrants to be refunded, whether or not the principal of the said outstanding warrants shall have matured at the time of the issuance of the refunding warrants and regardless of the date on which the warrants to be refunded shall have a stated maturity or shall be subject to redemption or cancellation. Any premium necessary to redeem or retire the warrants to be so refunded may be paid out of the proceeds from the refunding warrants; and the total principal amount of the refunding warrants shall not exceed the principal of the warrants to be refunded, the interest accrued thereon to the date of the issuance of the refunding warrants, and any such premium. Except for the fact that refunding warrants are issued for refunding purposes rather than any of the purposes referred to in Section 1 of this act, all the provisions of this act relating to warrants generally shall be applicable to refunding warrants issued hereunder."

Section 3. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 9, 1963.

Time: 2:07 P. M.

Act No. 149 H. 112—Turnham, Hannah, Boston, Snell, Harper, Baker (DeKalb), Burnham, NeSmith, Cooper, Stembridge, Paulk, Steagall, Little, Pierce, Salter, Doggett, Heflin, Drake, Casey, Nabors, Owens, Young, Avery, Cates, Davis, Fite, Nettles, Bassett

AN ACT

To provide for the establishment of a Water Resources Research Institute at Auburn University, designating the institute as the state agency to accept federal funds provided for the use of water resources research centers established as envisioned by that bill now pending and designated as Senate Bill 2 of the 88th Congress.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the policy and purpose of the Alabama Legislature to assure that the state at all times has an abundance of water, both as to its quantity and quality, necessary to meet the requirements of an expanding population and industrial com-

munity, and, to help achieve this objective, to stimulate, sponsor, and provide for the conduct of research, investigations and experiments in the field of water and resources as they affect water, and to encourage the training of scientists in fields related to water, by aiding in establishing and supporting an institute or center at Auburn University for the development of a water resources research program.

Section 2. The Board of trustees of Auburn University may establish or provide for establishment of a water resources research institute or center, which is hereby designated as the state agency to accept federal funds appropriated or allocated by Congress to the state for the use of water resources research centers established as envisioned by that bill now pending and designated as Senate Bill 2 of the 88th Congress.

Section 3. The institute or center established under Section 1 shall be subject to the management and control of the trustees and president of Auburn University, and its programs shall be coordinated with the Geological Survey of Alabama; and it shall be the duty of the institute or center to stimulate, plan and conduct original research, investigations or experiments, of either a basic or practical nature, or both, in relation to water resources—including but not limited to aspects of the hydrological cycle; supply and demand for water; conservation and best use of available supply; methods of increasing such supply; agricultural, biological, ecological, economic, engineering, geographic, industrial, legal, recreational, social, and other aspects of water problems. The results of the research conducted by the institute or center shall be reported or published in such manner and at such times as the director of the institute may consider suitable and appropriate.

Section 4. This Act is intended to supplement and not to prejudice, restrict, or duplicate programs of water-resources research conducted by the Geological Survey of Alabama or the University of Alabama, or to prejudice or restrict the receipt of other federal, state, or other funds by either of these or other state agencies.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 2:10 P. M.

Act No. 150

H. 191—Cook

AN ACT

To alter, rearrange and extend the boundaries of the Town of New Brockton in Coffee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of New Brockton in Coffee County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality all the following described lands, lying and being in Coffee County, Alabama, to wit: Sections 22, 23, 26, and 27, all in Township 5 N. Range 21 E.

Section 2. All farm land annexed to the Town of New Brockton, by this Act, together with all improvements thereon and the appurtenances thereunto appertaining, shall be exempt from all ad valorem taxation by the Town of New Brockton during the time such property is used for farming purposes.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 2:08 P. M.

Act No. 151

H. 169—Goodwyn

AN ACT

To amend Sections 197, 198, 243, and 248 of Title 26, Code of Alabama 1940, as last amended, and Act 62 of the 1961 Legislature, so as to provide for a "Special Employment Security Administration Fund," which shall consist of interest and penalties collected on delinquent state unemployment compensation taxes pursuant to Sections 238, 239 and 240, Title 26, Code of Alabama 1940, as amended; and to provide for withdrawals from said fund to assist in defraying the cost of administering the employment security program of this State.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 197, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 197. Trust Fund.—There shall be as a special fund, separate and apart from all public moneys or funds of this State,

an unemployment compensation trust fund, which shall be administered by the director exclusively for the purposes of this chapter without liability on the part of the State beyond the amounts paid into and earned by the Fund. This Fund shall consist of:

- A. All contributions paid in or collected under this chapter.
- B. Interest earned upon any moneys in the Fund.
- C. Any property or securities acquired through the use of moneys belonging to the Fund.
- D. All earnings of such property or securities.
- E. Any money received from the Federal Unemployment Account in the Unemployment Trust Fund in accordance with Title XII of the Social Security Act.
- F. All money credited to this State's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, and
- G. All money received for the Fund from any other source.

Section 2. Section 198, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

"Section 198. Treasurer.—The director shall designate as Treasurer of the Fund a person who shall pay all vouchers or checks duly drawn upon the Fund, in such manner as the director may prescribe. The Treasurer shall maintain within the Fund the following separate accounts: a clearing account, an unemployment trust fund account, an unemployment benefit payment account, and such other account or accounts as may be necessary for the payment of any Federal unemployment benefits. All moneys payable to the Fund, upon receipt thereof by the director, shall be forwarded to the Treasurer who shall immediately deposit them in the clearing account. Refunds payable pursuant to Section 243 of this title (with the exception of refunds of interest and penalties collected after the effective date of this Act, pursuant to Sections 238, 239 and 240 of this chapter) may be paid from the clearing account upon warrants issued by the Treasurer, as aforesaid, under the direction of the director. After clearance thereof, all other moneys in the clearing account (with the exception of said interest and penalties collected pursuant to Sections 238, 239 and 240 of this chapter) shall be deposited by warrants issued, as aforesaid, with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the Unemployment Trust Fund established and maintained pursuant to Section 904 of the Social Security Act, any provisions of law in this State relating to the deposit, administration, release, or disbursement of moneys in the possession or

custody of this State to the contrary notwithstanding. The benefit payment account shall consist of all moneys requisitioned from the State's account in the Unemployment Trust Fund. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the Treasurer, under the direction of the director, in any bank or public depository in which general funds of the State may be deposited but no public deposit insurance charge or premium shall be paid out of the Fund. The Treasurer shall give bond conditioned upon the faithful performance of his duties as Treasurer of the Fund in a form prescribed by statute or approved by the Attorney General, and in an amount specified by the director and approved by the Governor. All premiums upon bonds required pursuant to this section, when furnished by an authorized surety company or by a duly constituted governmental bonding firm shall be paid from the unemployment administration fund.

Interest and penalties collected pursuant to Sections 238, 239 and 240 of this chapter, shall be deposited in the clearing account only for the purpose of transfer to the Special Employment Security Administration Fund provided for in Section 248 of this chapter, as amended by this bill, and shall be spent in accordance with the provisions of said Section 248, as amended by this bill."

Section 3. Section 243, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

"Section 243. Refunds.—If not later than four years after the date on which any contributions, penalties, or interest became due an employer who has paid such contributions, penalties or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the director shall determine that such contributions, penalties or interest, or any portion thereof was erroneously collected, the director shall allow such employer to make an adjustment thereof in connection with subsequent contribution liability, or if such adjustment cannot be made the director may refund such contributions, interest and penalties from the clearing account. Any refund of interest and/or penalties, which have been collected after the effective date of this Act and transferred to the Special Employment Security Administration Fund, shall be made from the Special Employment Security Administration Fund, provided for in Section 248 of this chapter, as amended by this bill. If the director shall deny, in whole or in part, any such application, the applicant may, within sixty days after notice of such action, to be given by the director by mail, appeal to the circuit court of the county wherein is the principal place of business of the applicant, and the trial in that court shall be without a jury, and the court shall render such judgment as the facts and circum-

stances warrant. For like cause and within four years, adjustment or refund may be made on the director's own initiative; provided, however, that before such adjustment or refund may be approved the employer must conform to applicable rules and regulations of the director with respect to the refund to the employees entitled thereto of any moneys deducted by the employer in accordance with the provisions of this chapter."

Section 4. Section 248, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

"Section 248. Employment Security Administration Fund.

A. There shall be in the state treasury a fund to be known as the Employment Security Administration Fund. All moneys which are deposited or paid into this Fund are hereby appropriated and made available to the director for expenditure in accordance with the provisions of this chapter, and shall not lapse at any time or be transferred to any other fund. All moneys in this Fund, which are received from the Federal Government or any agency thereof, or which are appropriated by this State for the administration of this chapter, except money received pursuant to the provisions of paragraph F of Section 197 of this chapter, shall be expended solely for the purposes and in the amounts found necessary by the authorized cooperating Federal Agencies for the proper and efficient administration of this chapter. The Fund shall consist of all moneys appropriated by this State and all moneys received from the United States, or any agencies thereof, and all moneys received from any other source for such purposes. Notwithstanding any provisions of this section, all money requisitioned and deposited in this Fund pursuant to subsection B, Section 199 of this chapter shall remain part of the Fund until encumbered, and shall be used only in accordance with the conditions specified in said section. All moneys in this Fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the state treasury. Any balances in this Fund shall not lapse at any time, but shall be continuously available to the director for expenditure consistent with this chapter. The Treasurer shall give separate and additional bonds conditioned upon the faithful performance of his duties in connection with the Employment Security Administration Fund and the Special Employment Security Administration Fund, described in paragraph B next below set out, in amounts to be fixed by the director, and in a form prescribed by law, or approved by the Attorney General. The premiums for such bonds of the Treasurer for the Employment Security Administration Fund, shall be paid from the moneys in the Employment Security Administration Fund. The premiums for such bonds of the Treasurer for the Special Employment Security Administration Fund shall be paid from the Special Employment Security Administration Fund.

B. There is hereby created in the state treasury a special fund, to be known as the "Special Employment Security Administration Fund," into which shall be deposited or transferred all interest and penalties collected after the effective date of this Act, pursuant to Sections 238, 239 and 240 of this chapter. Interest and penalties collected on delinquent contribution payments deposited during any calendar quarter in the clearing account in the unemployment compensation fund shall, as soon as practicable after the close of such calendar quarter, be transferred to the Special Employment Security Administration Fund. All moneys in this Fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Said moneys shall not be expended or made available for expenditure in any manner which would permit their substitution for (or permit a corresponding reduction in) Federal funds, which would, in the absence of said moneys, be available to finance expenditures for the administration of the State Unemployment Compensation and Employment Service Laws. Nothing in this section shall prevent said moneys in this Fund from being used as a revolving fund to cover expenditures necessary and proper under the law, for which Federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when necessary. The moneys in this fund may be used by the director for the payment of costs of administration of the employment security laws of this State, which are found not to be or not to have been properly and validly chargeable against funds obtained from Federal sources. All moneys in this Special Employment Security Administration Fund shall be continuously available to the director for expenditure in accordance with the provisions of this chapter, and shall not lapse at any time. The moneys in this fund are hereby specifically made available to replace, as contemplated by subsection C of this section, expenditures from the Employment Security Administration Fund established by subsection A of this section, which have been found by the Bureau of Employment Security (or other authorized agency or authority) because of any action or contingency, to have been lost or improperly expended.

The director, whenever he is of the opinion that the money in the Special Employment Security Administration Fund is more than ample to pay for all foreseeable needs for which such special fund is set up, may, by written order, order the transfer therefrom to the Trust Fund of such amount of money in the said Special Employment Security Administration Fund as he deems proper, and the same shall thereupon be immediately transferred to the Trust Fund.

C. All moneys received after June 30, 1941 from the Social Security Board, or its successor or successors, under Title III of

the Social Security Act, or any unencumbered balances in the Unemployment Compensation Administration Fund as of that date, or any moneys granted after that date to this State pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by the State or its political subdivisions and matched by such moneys granted to this State pursuant to the provisions of the Wagner-Peyser Act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board, or its successor or successors, for the proper and efficient administration of this chapter. If any of such moneys are found by the Social Security Board, or its successor or successors, because of any action or contingency, to have been lost or been expended for the purposes other than or in the amounts in excess of those found necessary by the Social Security Board, or its successor or successors, for the proper administration of this chapter, it is the policy of this State that such moneys, if not replaced from other sources, shall be replaced by moneys appropriated for such purpose from the general funds of this State to the Unemployment Compensation Administration Fund for expenditure as provided in subsection A of this section. Upon receipt of such finding by the Social Security Board, or its successor or successors, the director shall promptly report the amount required for such replacement to the Governor and the Governor shall at the earliest opportunity, submit to the Legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this State of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Title III of the Social Security Act; provided, however, that funds which have been expended by the director or his predecessors in office, in accordance with a budget approved by the Social Security Board, or its successor or successors, and in accordance with the general standards and limitations promulgated by the Social Security Board, its successor or successors, prior to such expenditure (where proposed expenditures have not been specifically disapproved by the Social Security Board, or its successor or successors) shall not be deemed to require replacement."

Section 5. Paragraph C of Act 62 of the 1961 Legislature is hereby amended to read as follows:

"C. When the State Director of Industrial Relations has requisitioned from the temporary employment security administration fund herein set up, an amount equal to this State's proportionate share of costs incurred in the administration of the Temporary Unemployment Compensation Act of 1958, as amended, other than those incurred with respect to this State, and when such payment of this State's proportionate share of such costs has been made into the treasury of the United States of America, then the balance remaining in said temporary employment security administration fund shall be immediately trans-

ferred to the Special Employment Security Administration Fund, and the said temporary employment administration fund shall be discontinued and shall cease to exist."

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 9, 1963.

Time: 2:06 P. M.

Act No. 152

H. 173—Turnham

AN ACT

To provide for distribution of local school funds to various schools; to provide for bonding of principals expending such funds; to provide for rules and regulations for expenditure of such funds; and to provide for accounting.

Be It Enacted by the Legislature of Alabama:

Section 1. The various county and city boards of education may distribute from matriculation fees or local fees to each local school under their control and supervision, each fiscal year, an amount deemed necessary by said board, not to exceed Ten Dollars (\$10.00) per student enrolled in said school as of October 1 of said fiscal year, for purchase of local school supplies and maintenance of school property.

Section 2. School principals receiving funds authorized under the provisions of this act shall be required to give bond for the faithful performance of their duties in the penal sum of an amount to be set by the city or county board of education, as the case may be, provided, however, that said bond shall not be less than One Thousand Dollars (\$1,000.00).

Section 3. Funds distributed to the local schools under the provisions of this act shall be expended by the school principal receiving the appropriation under such rules and regulations as shall be established by the respective city and county boards of education provided, however, that no purchase shall be made from any person, business or association in which the principal or any member of the respective board of education has a pecuniary or monetary interest and provided further, however, that no item or maintenance work purchased shall exceed Two Hundred and Fifty Dollars (\$250.00) in amount, nor shall any item or group of related items or maintenance work be separated into component parts to evade this provision and provided further, however, that all items or work purchased shall be paid for when performed or delivered and no credit purchases shall be authorized.

Section 4. School principals receiving funds under the provisions of this act shall make an accounting to the city or county board of education, as the case may be, each thirty days under such procedures and regulations as shall be established by the respective city and county boards of education with the approval of the Chief Examiner of the State Department of Examiners of Public Accounts.

Section 5. This act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 9, 1963.

Time: 2:00 P. M.

Act No. 153

H. J. R. 55—Edwards (Escambia)

HOUSE JOINT RESOLUTION

WHEREAS, the family as an institution is the foundation of our Nation, and our hope for survival and progress rests, to a great extent, on the happiness and security of family life; and

WHEREAS, training of the young women of this country in the art and science of homemaking should prove of inestimable value in furthering our hopes for future survival as a democratic nation; and

WHEREAS, General Mills annually sponsors a Homemaking Scholarship Program in an effort to promote the welfare of this Nation; and

WHEREAS, Miss Lily Corinne Lamont of Brewton scored highest in this State in a written examination on homemaking, given in connection with this scholarship program, and thereby became a winner therein, entitled to receive a valuable scholarship and also a delightful tour of this Nation's Capitol, New York City, Colonial Williamsburg, Virginia and Minneapolis, Minnesota; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING: That we commend Miss Lamont for the excellent score she made on this examination on homemaking; we rejoice with her over the generous reward she thereby earned; and express our hope that she may long reside in Alabama and here apply her outstanding knowledge and abilities for homemaking.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives send a copy of this resolution to Miss Lamont at Brewton.

Approved May 9, 1963.

Time: 2:03 P. M.

Act No. 154

H. J. R. 56—Bailes, Rast, Morrow, Sessions, Gilmore, Etheredge, B. Bethea, Locke, Bowers, Brown (Jefferson), Perry, Hawkins, Martin, Collins, M. Bethea

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, extends to Mrs. Paschal P. Vacca our utmost sympathy upon the loss of her sister, Mrs. Esther Mae Smith, and extends to her family our deepest grief on this occasion.

Approved May 9, 1963.
Time: 2:02 P. M.

Act No. 155

H. J. R. 57—Turner (Crenshaw), Brewer

HOUSE JOINT RESOLUTION

WHEREAS, on May 22, 1963, the New York City Chapter of the Association for the Help of Retarded Children will present its 1963 Humanitarian Award to Mel Allen, a native son of Alabama, graduate of Phillips High School in Birmingham and of the University of Alabama; and

WHEREAS, Mel Allen was launched upon a career as sports announcer under the auspices of the great coach Frank Thomas of the famed Crimson Tide in 1935, and has since risen to the pinnacle of success as a sports announcer, commentator, sports analyst and journalist having attained national and international reputation and acclaim as "tops" in his field by reason of a deep love of all sports, a thorough technical knowledge of his subject coupled with a rare ability as a phrase maker, a warm, resonant and pleasing voice, a gift with words, and more importantly, a truly unique ability to share in and to communicate to others the colorful detail, the suspense, the thrill of success and the disappointment of failure in the drama of events as they unfolded in great sports spectacles; and

WHEREAS, from the eminence of professional success and financial independence Mel Allen, in keeping with the great traditions of the heart of all true athletes and sportsmen, has manifest a keen social consciousness and has been ever ready to respond to the call of all worthy causes and in demonstration thereof Mel Allen, the humanitarian, known to millions in the sports world as the "Voice of the Yankees," has employed the magnetism of his voice, the prestige of his fame, and his great energy and talents to the cause of communicating to the people of this Nation an awareness of the tragic plight of retarded

children by presenting the human drama represented in the hopes and aspirations of parents, the thrills of children in each success against overwhelming odds and the heartbreaking disappointment of their failures, and in so doing has dynamically and effectively advanced this most worthy of causes to the benefit of countless thousands, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE AND SENATE CONCURRING, That we commend the New York Chapter of the Association for the Help of Retarded Children for their choice of Mel Allen for their Humanitarian Award for the year; and that, as members of the Alabama legislature, and on behalf of all of the people of Alabama, congratulate him and extend to him our warm best wishes and assure him of our great pride in his success and of our sincere appreciation for his efforts on behalf of the cause of retarded children.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mel Allen; Mr. Ray Horl, Campaign Director, The Association for the Help of Retarded Children, 200 Park Avenue South, New York 3, New York; the Birmingham News; Dr. Frank Rose, University of Alabama; and to the Chairman of the Alabama Chapter of the Association for the Help of Retarded Children.

Approved May 9, 1963.
Time: 2:01 P. M.

Act No. 156

S. 27—McDow

AN ACT

Relating to state funds; providing for and requiring a transfer of certain funds of the Alabama Education Authority to the Alabama Special Educational Trust Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Education Authority established under Act No. 126, H. 15, 2d Special Session 1959, shall immediately transfer or cause to be transferred to the Alabama Special Educational Trust Fund all monies in the state treasury to the credit of said Authority which have accrued from earnings or income derived from the investment of the proceeds of bonds issued and sold by it.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.
Time: 2:04 P. M.

Act No. 157 H. 126—Engel, Fields, Downing, Edington, Jones (Monroe), Rogers, Nettles, Edwards (Escambia), Wood, McDermott, Morrow, Owens, Smith, Hawkins, Bowers, Hogan, Turner (Crenshaw), Doggett, Paulk, Little, Avery, Thomas, Perry, Pennington, Reynolds, NeSmith, Burnham, Albea, Mashburn, Fite, Collins, Bailes, Casey, Merrill, Daniel, Drake, Brewer, Turner (Limestone), Slate, Meade, McCorquodale

AN ACT

Relating to state colleges and universities; to provide for establishment, maintenance, and operation of University of South Alabama as a state institution of higher learning under the management and control of a board of trustees composed of the governor and the state superintendent of education by virtue of their respective offices and other trustees appointed from the ten senatorial districts of the state as heretofore provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The governor and the state superintendent of education by virtue of their respective offices, and the trustees appointed from the ten senatorial districts of the state as provided in Section 2 are constituted a public body corporate under the name of University of South Alabama to carry into effect the purposes expressed in this Act, and to establish a state institution of higher learning.

Section 2. The Board of Trustees shall consist of three members from Mobile County, the State Superintendent of Education, the Governor, who shall be ex officio president of the Board, and one each from each of the following state senatorial districts, 21st District comprising Baldwin and Escambia Counties; 19th District comprising Choctaw, Clarke and Washington Counties, 20th District comprising Marengo and Sumter Counties, 16th District comprising Monroe and Wilcox Counties, 30th District comprising Dallas and Lowndes Counties, 17th District comprising Butler, Conecuh and Covington Counties, 25th District comprising Coffee and Crenshaw Counties, 23rd District comprising Dale and Geneva Counties, and the 35th District comprising Henry and Houston Counties. The trustees shall be appointed by the governor, by and with the advice and consent of the state senate, and shall hold office for a term of 6 years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially, as provided in Section 5. Vacancies occurring in the office of trustee from death or resignation, and the vacancies regularly occurring by

expiration of the term shall be filled by the Governor and the appointee shall hold office until the next meeting of the Legislature. Successors to those trustees whose terms expire during an interim shall hold office for the full term unless they are rejected by the Senate. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as a trustee.

Section 3. The Board of Trustees of University of South Alabama shall have all the rights, privileges and authority necessary to promote the purpose of its creation, which is to establish and provide for the maintenance and operation of a state university in Mobile County. The board may hold, lease, sell, or in any other manner not inconsistent with the object or terms of the grant or grants under which it holds, dispose of any property, real or personal, or any estate or interest therein, as to it may seem best for the purposes of the institution, and sales of property, real or personal, may be made at any time by the trustees.

Section 4. The Board of Trustees shall have the power to organize the institution by appointment of instructors and faculty members and such executive and administrative officers and employees as may be necessary to operate the university; the trustees may remove any officers, faculty members, or employees of the institution in their discretion, and shall have the power and authority to fix salaries or compensation, increase or reduce the same at their discretion, to regulate, alter, or modify the government of the institution as they may consider advisable. The trustees may prescribe courses of instruction, rates of tuition and fees, confer such academic and honorary degrees as are usually conferred by institutions of like character; and they may do whatever else they may consider in the best interest of the institution.

Section 5. The trustees of University of South Alabama other than the governor and state superintendent of education shall be divided into three classes as follows: The trustees from the 33rd, 21st, 25th and 30th Districts shall constitute the first class, and shall be first appointed for terms of six (6) years each; those from the 17th, 19th and 23rd Districts shall constitute the second class, and shall be first appointed for terms of four (4) years each; and those from the 16th, 20th and 35th Districts shall constitute the third class and shall be first appointed for terms of two (2) years each. They shall hold office and their seats shall be vacated as prescribed in Section 2.

Section 6. Seven members of the Board of Trustees shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present. The board shall hold a regular annual meeting each year at the university on the first Monday

in June, unless the board shall, in regular session, determine to hold its meeting at some other time and place. Special meetings of the board may be assembled by either one of the two methods outlined as follows: Special meetings may be called by the governor by written notice mailed to each trustee at least ten days in advance of the date of the meeting; a special meeting shall be called by the governor upon application in writing of any three or more members of the board. No special meeting shall be held on a date less than ten days subsequent to the date of the governor's notice of the meeting, except in case of emergency, which the governor shall specify in his notice to the trustees.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 9, 1963.
Time: 2:05 P. M.

ALABAMA LAWS

(and Joint Resolutions)

OF THE LEGISLATURE OF ALABAMA

PASSED AT THE
REGULAR SESSION OF 1963
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 7, 1963



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

GEORGE C. WALLACE, Governor

JAMES B. ALLEN, Lieutenant Governor

GEORGE HAWKINS, President Pro Tem. of the Senate

ALBERT P. BREWER, Speaker of the House

RANKIN FITE, Speaker Pro Tem. of the House

J. E. SPEIGHT, Secretary of the Senate, Deceased July 12, 1963

McDOWELL LEE, Secretary of the Senate, Elected July 16, 1963

JOHN W. PEMBERTON, Clerk of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1963 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Mrs. Agnes Baggett,
Secretary of State.

**MESSAGE OF GOVERNOR GEORGE C. WALLACE
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT REGULAR SESSION, MAY 7, 1963**

Lt. Gov. Allen, Speaker Brewer, Members of the Senate and House:

It is a privilege for me today to fulfill the Constitutional requirement of appearing before you to give you information about the condition of the state and to outline to you generally the administration program.

But, first, let me extend my best wishes and personal greetings to each of you. This is, I believe, my fourth appearance before you since the start of my administration. The results each time have been most gratifying to me.

I have said to you before, and I want to say it again today. You have all the qualities of a great legislature. Individually, its members are among our state's finest citizens. Collectively, you have already shown your willingness to tackle the problems of the state head-on—and to find a solution to these problems.

This is service of the highest order. The people of Alabama are fortunate to have you represent them in Montgomery. They are to be congratulated for their wisdom in electing you, and I congratulate you on your election and on your willingness, at personal sacrifice in many instances, to serve the people of the great state of Alabama.

Also, I want to be permitted at this time to again thank the people of Alabama for their confidence in me by electing me their governor. It is a great challenge to assume the office of governor and to direct the affairs of the state. As the months and years of the Wallace Administration unfold, I want us to be in position to say that this administration was not only dedicated to service to the people of Alabama, but that it used its power and influence for the entire state, and not for just a few favored political friends.

Then, too, I want to restate my belief in the Legislative-Executive partnership. This has been evident to me throughout the first four months of this administration, and the results of this cooperation have contributed to the benefits of all Alabamians.

While there have been some substantial differences as to procedures, I am convinced that our principles have been parallel.

You were sincere in your desire to help our Highway program. The resulting 100 million dollar road bond issue means that we are going to have the biggest highway construction program in

the history of Alabama. You are familiar with our plans and I will not delve into them further at this time. But let me emphasize I am convinced of your sincerity of purpose and the savings in lives on our highways, if nothing else, will forevermore proclaim our accomplishment.

We have just ended a somewhat turbulent special session for education.

We will achieve the promised breakthrough. The children of Alabama, the adults of tomorrow, will stand as a constant reminder of our dedicated labors as they receive a better education because of our conviction and courage to provide the necessary revenues for their welfare.

As our education level climbs, so will our economic, political, social and civic life.

This administration, which of course, includes all branches of State Government, recommended 51½ million dollars additional support for the public school system of this state. No administration has ever made any recommendation of any such additional financial support for schools. No administration has ever achieved before the amount of new support for schools as has been achieved in this administration.

If this regular session can reach the recommended amount by educational leaders and this administration of 51½ million dollars, **we can then embark upon a program for additional capital outlay for school purposes out of the then existing revenues.** This would move Alabama's Public School System to its rightful place in the sun and her posterity would be eternally grateful to those who played a part in this endeavor. We cannot do too much for our children. The Trade School and Junior College program which this administration has inaugurated will immeasurably aid us in meeting the challenges of the industrial future and the space age era in Alabama and will place us in a position to meet the challenge of automation. This is one of the finest steps taken by any administration.

Now we must move to the regular legislative session ahead.

We face still serious responsibilities. We must continue our labors together for the benefit and the welfare of our fellow Alabamians.

I believe that you now realize, as I am sure the fine people of Alabama do, that my pledge of cooperation is sincere. I know that I can count on your wholehearted support, and I want to pledge, here and now, my every effort to work harmoniously with you.

The ship of state sails smoothly.

This administration is off to an excellent start.

We have dedicated people serving in the Cabinet.

All departments are operating efficiently—and economically.

All records of every department in the executive branch of the government are open to you, to the press and to the people. Everything we do in the executive branch of the government over which I can have control should be an open book.

As you know, the administration has instituted, and is carrying out, several economy moves. They are designed to save the taxpayer's dollars, and at the same time, insure full services which are legitimate functions of the state.

We have curbed the abuses of the use of state cars, and we are continuing the crackdown.

We are in the process of cutting out 1000 cars and trucks from the 4000 now operated by the state.

We have sold one state yacht, made a harbor boat of the other. This is saving \$130,000 per year.

We have cut non-essential spending to effect economies and to overcome the proration forced upon us.

We have instituted strict compliance with the competitive bid law, and we will save in the course of four years millions of dollars. We are at this moment saving thousands of dollars on the purchase of automobile tires. Figures supplied by the highway department show that we will save one million dollars this year on maintenance materials alone by adhering to competitive bid practices. This is as it should be, and you are welcome to look at the records in this regard.

We have asked the Interim Study Committee to cut the Governor's Budget by \$105,000 per year—some \$420,000 during the four years of this administration.

The tone and tenor of the Wallace Administration will be economy of operation. We do this, not to curb needed, legitimate services of the state government, but to insure that tax dollars paid by our citizens are returned to them in government services and not used for the benefit of the favored few.

The people expect, yes, they demand, these services and I know that you agree with me that they are entitled to them. These demands, that is, the legitimate functions of state government, increase almost daily.

Thus, it is imperative we recognize these needs and see to it that the people receive them. We must not curb these services and try to make ourselves believe it is economy. Rather we

must, as I have already stated, see to it that the economies we institute increase these services.

If we achieve the honesty and dedication I have promised, and we will, then the Wallace Administration record will be one of progress and efficiency and a record which you, as a member of this legislature, can fully share. The credit reflected by our record will accrue to the benefit of the executive branch, the legislative branch and most important, to the fine people of this state.

To summarize these opening remarks—We are off to a good start. We are on the way with an outstanding highway program. The dramatic breakthrough in education is in sight.

I am going to sign the sales tax bill.

Most of you know that I have a long record of opposition to the sales tax. It is my feeling that such a tax does not equally distribute the tax burden.

While I would have preferred other methods of taxation, you have seen fit to provide for our school needs through the sales tax and I have put aside my own wishes, which are not as important as achieving the promised breakthrough in education.

We stand today at the beginning of this regular session of the 1963 legislature—ready now to get into the regular functions of the government—and to explore the remainder of the administration program.

At the conclusion of my address, there will be placed on the desk of each of you the proposed budget for 1963-64 and 1964-65. As you look through it, and it is a lengthy document, the remainder of the program will unfold.

However, I want to discuss some of its aspects at this time.

You are aware that Alabama law says we cannot spend more than we take in. This is a good law, and it will be followed by this administration.

The budget we are presenting is balanced. Not yet included is the Education budget, and it takes no master mind to know why. As soon as it can be compiled, that is after our statisticians can take the new revenue measures, just passed, into its figures, this budget will be submitted.

Overall, we are recommending increases in services in several fields of state endeavor.

All of you are familiar with the condition of the state's general fund. At the beginning of this administration, it was necessary to prorate the spending by ten per cent. Since then, by strict economies and by settling some outstanding tax cases, we have reduced proration to three per cent.

Still, at the close of this fiscal year, on September 30, 1963, the balance in the state's general fund will be exactly zero.

This is not good fiscal practice and in the next biennium we intend to bring this balance back to \$1,500,000 which fiscal policy throughout recent years has shown is needed.

By September 30, 1963 we hope to have a balance of \$500,000 and a year later bring it back to the \$1,500,000 level.

Our total general fund budget for 1963-64 will be \$43,310,439 and for the fiscal year 1964-65 will increase to \$45,014,119. Our anticipated revenues are such that the balances mentioned earlier will be realized.

Appropriation bills reflecting the figures in the printed budget will be introduced by administration leaders.

Earmarked revenues which go into special trust funds are spent by various departments for specific purposes. You must appropriate these funds, also, and the budget reflects these figures with the exception of education funds which was noted earlier.

INDUSTRIAL DEVELOPMENT

The first plank in my platform was devoted to industrial development.

In it, I stated:

"Alabama ranks third from the bottom of all states in per capita income. The Wallace Administration guarantees to help change this picture.

"Through the Wallace Industrial Development Act, hundreds of new plants providing millions of dollars in new payrolls have been added to Alabama's economy. The possibilities for growth under provisions of this Act have not been exploited as greatly as they should.

"My administration will divert emphasis of the State Planning and Industrial Development Board first to the task of a better and more imaginative sales job in detailing Alabama's assets to the rest of the nation, and secondly toward the closer job expanding industry now operating within the state. Furthermore, new industry can be created to utilize Alabama products and resources by capital already present in Alabama."

This pledge is already being carried out, as evidenced by the headlines in state newspapers in recent weeks. The first quarter of 1963 saw Alabama industry expand by \$100,000,000—its fastest growth in history. Some of this was new plants—some of it was in expansion of existing facilities. Primarily, it means hundreds of new jobs for Alabama citizens.

However, the State Planning and Industrial Development Board is handicapped by limited funds. I am asking you in the proposed budget to increase these funds from last year's expenditures so that our Board can actively engage in industrial acquisition and can continuously promote the state.

TOURIST DEVELOPMENT

Closely aligned to industrial development is tourist development.

Alabama is a historic state. It abounds in interesting and educational tourist attractions.

The proper promotion of these sites will, in turn, promote the economy of the state. It will provide additional jobs, will certainly increase our tax revenues from out-of-state. At the same time tourists demand few of the state's services paid for by tax dollars.

We are far behind our sister states in tourist promotion and development. Our appropriation for the Bureau of Publicity and Information is woefully inadequate.

We are introducing legislation to provide a realistic budget for this department.

Every section of the state from the TVA Lakes of North Alabama to the sandy shores of the Gulf will benefit.

My office is going to work closely with this department but let me emphasize, as I did in my platform, that the Bureau of Publicity and Information will be used to promote the State. It will not be used as a private publicity medium for the Governor. The people of Alabama don't want their money spent on publicizing the Governor.

AID FOR SENIOR CITIZENS

Once again, let me quote from my platform. "To permit our senior citizens to live under conditions that provide less than the bare necessities of food, clothing, shelter and medical care is unthinkable and appalling. My concern in this field is not a position assumed for political gain. I have a long and consistent legislative record in support of measures benefiting the aged. I feel it is a man's duty to help the old.

"My goal is to increase their pensions to \$100 a month or better and to make vigorous efforts to expand and broaden provisions of federal (without federal control) and state programs to assist them in every way. I shall also insist on higher standards for private homes for the aged, and shall encourage private development of housing development for the aged.

"The Wallace Administration will work toward a system of medical care for the aged."

I am hopeful that this goal can be reached.

Payments in March averaged \$70.31, the highest on record. I feel that, by working together, we can provide a \$100 per month pension.

In view of the fact that the legislature has passed the sales tax and this will become the law, I feel it is of paramount importance that you and I together raise old age pensions to offset the amount that the sales tax will take from the pensioners.

LAW ENFORCEMENT

Agitators and trouble makers have set onto Alabama from within and from without.

Methods of enforcement may vary, but the burden on our Highway Patrol remains constant.

Under such pressures, the Patrol is acting with dignity and restraint, and it is protecting the lives of our fellow Alabamians.

It is regrettable that our highway Patrol must be called on for such activities when traffic control and traffic safety are so vital to our welfare.

AIRPORT PROGRAM

We have a fine state aid airport program which aids in industrial development and which has brought airports to many small cities and towns in Alabama and also aids airport programs in larger cities and towns. The legislature and executive branch should work out a program by which we can continue the small airport construction program and at the same time give some relief to commercial aviation which pays the taxes which now supports this program.

SEGREGATION

In my platform during the Campaign for Governor, I said, "White people know where I stand on this question. Colored people know where I stand. And the Federals know where I stand. My convictions have not changed and will not change."

In my Inaugural Address you will recall that I said "that from this day we are standing up, and the heel of tyranny does not fit the neck of an upright man . . . that we intend to take the offensive and carry our fight for freedom across this nation, wielding the balance of power we know we possess in the Southland

... that WE, not the insipid bloc voters of some sections ... will determine in the next election who shall sit in the White House of these United States ... that from this day ... from this hour ... from this minute ... we give the word of a race of honor that we will tolerate their boot in our face no longer."

The national parties are beginning to realize that the South may well control next year's presidential election. This view is not confined to the South alone because I read in newspapers from all sections of the country that both parties are beginning to pay more attention to the South and to its block of votes.

In recent days, the Attorney General of the United States has requested an audience with me. It was granted.

We had a frank and courteous discussion.

My position has not changed. My stand is still the same.

I will continue to fight for segregation because it is in the best interests of all our people.

Let me make this clear here and now. The Governor is the Chief law enforcement officer of the state. He is Commander in Chief of the Alabama National Guard.

I shall react vigorously to outside meddling, whether it is from high government sources, or otherwise.

During the campaign for Governor I advocated continuous legal resistance to the Justice Department, the Federal Courts and those who would disrupt our way of life.

As the highest constitutional officer in this State, the Governor of a sovereign state, resistance on my part is resistance of the people. It is legal resistance, and if there are those who term this defiance, then this is **legal** defiance.

As your Governor I intend to raise constitutional questions under the 11th Amendment, the 10th Amendment and other provisions of the constitution of this nation. I am still as determined as ever to do that which I promised to the people of this State.

This resistance is in the interest of all the people of this State—it is in reality a fight for liberty and freedom—such a fight is not against, but for, constitutional processes and individual liberties.

We shall maintain control at all times. We are going to have peace and progress in Alabama.

We shall fight agitators, meddlers and enemies of constitutional government and I am pleased to tell you, that there is increasing sympathetic public opinion for our stand.

We shall fight the integrationists and meddlers in the Courts. We intend to raise constitutional questions involving the right of Alabama and its chief executive.

My pledge to you is the same as it was before the election, after the election, before I met with Attorney General Kennedy and after I met with him. It has not changed.

I have a mandate from the people of this state to Stand Up for Alabama. I intend to keep that covenant we have made with each other.

My fellow Alabamians have chosen me to handle this fight as I see best. I will at all times be true to my pledge and you can depend on that.

I will meet our enemies face to face. I will not surrender the principles of constitutional government regardless of the consequences to me.

We stand ready, at all times, to assist our local governments as they deal with agitators and meddlers trying to destroy our way of life . . . and our freedom. But let me make this clear to one and all today . . . I am beginning to tire of agitators, integrationists and others who seek to destroy law and order in Alabama.

So-called clergymen and their communist left wing inspired followers have set out to destroy the freedom and liberty of Americans everywhere. It's tragic to me that in Washington we have weaklings who are afraid to expose the Reds wherever they may be.

Because of my concern with the situation existing in Birmingham, with the unrest and disturbance caused by those individuals who have insisted on provoking the people of the State of Alabama by engaging in so-called freedom walks and because of the various suits filed in this State by those negroes who insist on violating our accepted patterns of life, I met with and received the council and advice of my committee on Constitutional Government and State Sovereignty in Birmingham last Saturday afternoon. It was again the opinion of this committee, composed of a group of this State's leading attorneys, **and is my opinion**, that we must meet every encroachment effort with determined and steadfast legal opposition.

The local law enforcement officials of the city of Birmingham are to be commended for their handling of this difficult situation in Birmingham. No violence has occurred, and every step is being made to prevent violence, and I will take whatever action I am called upon to take to prevent violence. I am at the beck and call of the city of Birmingham if and when they need the help of the states forces. No white people have been involved, all of

the demonstrators being colored. If violence does occur and life is lost those white and colored from within and without this state who are instigating this demonstration should suffer the highest penalty of the law, and in my judgment if loss of life occurs they will be guilty of the highest crimes, including murder, and the Jefferson grand jury in my judgment should so indict. This should be sufficient notice to bring this group of agitators to to their senses. The overwhelming majority of the people of Birmingham should be commended for their restraint, and even though this matter is played up in the national press, we still have better racial relationships in Birmingham than any large city in the east or west.

I have advised with attorneys representing the defendant school boards in Huntsville and Mobile. I have been requested by the school board in Mobile to provide financial assistance for the purpose of employing council in addition to that already available to them—and I have immediately assured this assistance. I have talked with officials of DeKalb and Etowah Counties relative to the so-called freedom walkers and have provided legal assistance to these counties by way of suggested procedures to be used in the event there are further disturbances. I have been informed by officials of the counties in question that they will follow vigorous legal paths in their efforts to protect this State from those who would destroy our heritage.

I feel that it is most important to point today that for the first time since the cases of *Brown vs. Board of Education* that there is now pending before a United States District Court a case wherein white children claim that their rights will be denied in the event the schools which they attend are integrated. For the first time white children will appear in Court seeking appropriate protection of their educational opportunities.

On May 9, 1963, Thursday of this week, the case of *Ralph Stell, a minor, et al. vs. Savannah—Chatham County Board of Education, et al.*, will go to trial on its merits in Brunswick, Georgia. This suit had its origin in a standard action by negro children, with N.A.A.C.P. representation, to integrate the schools of Savannah—Chatham County, Georgia. White children and their parents have intervened and are prepared to produce expert witnesses who will disclose sociological facts which are for the Court the opportunity to correct an error and right the wrongs created by the *Brown* cases. The attorneys representing the white intervenors are prepared to go further and prove to the Court that fraud and deceit was practiced by N.A.A.C.P. Council and employees in the *Brown* cases. If the members of the Supreme Court of the United States will listen to reasonable legal arguments they are just before having the opportunity to rectify the decision wherein they changed the separate, but

equal decision of the 1894 Supreme Court—to rectify error and repair damage done as a result of a case wherein the whole truth is revealed.

This case is so important, not only to the State of Alabama and the South, but to a return to Constitutional Government, that I have obtained copies of the various pleadings filed and I am sending my legal adviser to Brunswick, Georgia, on Thursday of this week to observe the proceedings.

It will be interesting to find out if white children have any rights that may be asserted or protected in a Federal Court.

Right will prevail if we stand. We have peace and progress in Alabama and this will continue if we stand firm.

I hope you will trust my leadership, and give me the benefit of your prayers.

CONCLUSION

I could discuss, in detail, all departments of the State Government, but in the interest of time, I will forego it.

I hold here in my hand a copy of the platform I advocated in the race for Governor. I stood for it then, and it is now my program.

Let me touch briefly some of the major points.

Those parts of the platform not yet carried out by executive order or by legislative act will be introduced as legislation during this session.

The Governor's office this week is asking the employees' association to appoint a committee to consult with the Governor on matters relating to the well-being of state employees.

We must move toward establishing an eight hour day for state employees who can practically be brought under an eight-hour program.

Legislation has been enacted strengthening your retirement system.

A bill will be introduced to provide health and accident insurance which will reduce the cost of the employees by one-half, and the other half will be paid by the state.

A bill will be introduced to raise the limitations on state employees' salaries.

We are still in the process of trying to work out a practicable method of paying state employees every two weeks.

We have abolished liquor agents, and legislation will be introduced to bring about the amount paid to liquor agents to old age pensions, student scholarships and the mental health program.

Legislation will be sought to enable us to deal more strongly with sex deviates.

We must strengthen our programs for the mentally ill, the tubercular, the blind and handicapped.

I recommend a law providing jury service for women.

A program setting up an extensive system of farmer's markets is needed.

These are but a few of the programs outlined in my platform.

THE WALLACE PLAN FOR PROGRESS—

A STATEMENT OF PRINCIPLE

The people of Alabama have been betrayed too long by political promises. No sooner has a new crowd taken office than the sins of the old administration take over and the people of Alabama begin suffering from too much bad government and government that costs too much. We must rededicate ourselves to the ancient truths of honesty and fairness and rededicate ourselves to the well-known truth that any unnecessary spending of the peoples' money is a fraud against the people. We must remember that the power to tax is the power to destroy. Upon these principles, George Wallace sets out **THE WALLACE PLAN FOR PROGRESS**.

MORE JOBS . . . MORE PAY

Alabama ranks third from the bottom of all states in per capita income. The Wallace Administration guarantees to help change this picture.

Through the Wallace Industrial Development Act, hundreds of new plants providing millions of dollars in new payrolls have been added to Alabama's economy. The possibilities for growth under provisions of this act have not been exploited as greatly as they should.

My administration will divert emphasis of the State Planning and Redevelopment Board first to the task of a better and more imaginative sales job in detailing Alabama's assets to the rest of the nation, and secondly toward the closer job expanding industry now operating within the state. Furthermore, new in-

dustry can be created to utilize Alabama products and resources by capital already present in Alabama.

SELLING ALABAMA

Alabama's best ambassadors of goodwill are its salesmen. My administration will recruit from their ranks top-flight representatives to help the state "Sell Alabama." I will start by appointing a salesman to serve as my executive secretary, who will meet the people of Alabama and others who come to the governor's office.

From their ranks also will be recruited a topflight man to assist the State Planning and Redevelopment Board in its mission of promoting the state's industrial growth and expansion.

Another will be used in the state's publicity department to sell Alabama's tourist attractions and to undertake a statewide program of beautification in cooperation with our women's clubs, garden clubs and other civic organizations.

The publicity department should **not** be used as the private publicity medium of the Governor. People don't want their money spent on publicizing the Governor by printing his picture in the paper every day. This waste of the people's money must stop.

RESTORING CONFIDENCE IN STATE GOVERNMENT

Nearly everywhere there is evidence of the demoralizing effects of political plundering, loose ethics, waste and extravagance in the administration of Alabama's state government. The Wallace Administration will be governed by the old-fashioned virtues of honesty, efficiency and economy. To reinstate these virtues on all levels of state government will require major reforms and a continuing battle against selfish interests. This is **not** the fault of the merit system carrier employees. The fault lies with the **politically appointed department heads**. Chief among the changes the Wallace Administration will seek will be the following:

1. State employees will work an eight-hour day only; they will receive overtime pay for work beyond that limit.

2. Lobbying. Alabama laws regulating lobbying are now inadequate to prevent unethical pressure tactics on legislators. Laws on lobbying will be strengthened and rigidly enforced to prevent a lobbyist from using unethical tactics upon the law-makers.

3. Domination of Legislators by the Governor. Efforts to dominate and coerce legislators with promises of jobs, appoint-

ments and award of state business, is contrary to the principles of good government. A legislator should represent the people, not the governor. Legislation is needed to prohibit legislators from doing business with the state or from accepting political appointments during the term of office for which they were elected. The Wallace Administration will push vigorously for this needed reform.

4. Outmoded Legislative System. Our present legislative system is obsolete and inefficient. It operates under procedures created and suited for the horse and buggy era.

The record of flim-flam and do-nothing at the cost of approximately \$4 million and more per administration has created demand for immediate and drastic changes. Legislators now receive \$30 a day, seven days a week, plus mileage, over a period of 12 to 14 months in every administration.

A dedicated and conscientious Legislature could perform its functions in 30 days of every second year.

This change alone could save Alabama taxpayers millions of dollars which could be diverted to the urgent needs of education, the blind, the handicapped and our elderly citizens.

5. Whiskey Agents. The liquor agency system which pays off political cronies of the governor in liquor money will be abolished. Last year alone the pay-off amounted to almost \$1 million. I shall by executive order or by legislation, require whiskey companies doing business in Alabama to purchase a license, at a cost equal to the amount they pay their political agents today. Revenues from this license will be earmarked for use of old-age pensions, for the blind and mentally ill, and for education.

6. Conflict of Interest. The Wallace Administration will seek passage of legislation to require legislators who are employed as counsel, or salaried employees of certain business interests, to register and disclose their relationship. A legislator should not accept pay to represent private business interests in legislative matters, to the harm of the people.

7. Executive Department Reforms:

a. **FINANCE DIRECTOR.** Alabama's finance director is second in importance only to the governor in his power to enforce honesty and integrity in the state's business affairs. This department has become the department of political pay-offs, where political friends, relatives and cronies of the administration are made rich at the taxpayer's expense. To correct this situation, the Wallace Administration will appoint as finance director an honest, God-fearing and competent businessman, and not a politician experienced in legalized thievery.

b. **PERSONAL EXAMPLE.** The Wallace Administration will ask the Legislature to cut appropriations for operation of the governor's office by one-half. This will demonstrate the governor's determination to cut out frills and waste in all departments of state government. The governor of Alabama is a servant of the people, and not a king.

c. **EXPENSIVE AUTOMOBILES.** The Wallace Administration will halt the extravagant use of state funds for the purchase of expensive cars for state employees. Any employee under my control will ride one of the lower-priced cars or else he will walk.

d. **HIGHWAY DEPARTMENT.** The State Highway Department must be divorced from politics, to insure its efficient operation. I will not permit head of the Highway Department, or any other member of my cabinet, to seek the chairmanship of the State Democratic Executive Committee. I will appoint as Highway Department head a licensed, experienced engineer.

EDUCATION

As a matter of principle I am against additional taxes but let me say clearly **whatever** it takes to solve the educational problem, I am for. Alabama now ranks among the lowest of all states in total effort to educate its people. Alabamians will not tolerate this situation. The Wallace Administration will take immediate steps to raise Alabama's annual per pupil expenditure to at least three-fourths of the national average or better. When this is done, local boards of education can make even stronger improvements in the school programs they administer.

Alabamians want educational opportunities for their children equal to the best in the nation. Such a goal is consistent with Southern traditions, aspirations and Southern pride. I pledge my administration will take whatever measures are necessary to correct deficiencies in the present system of education in Alabama and prepare a foundation for an educational system of unequalled excellence. **We will have full school terms and we will have tuition free schools. We will have more school buildings and better pay for teachers. I will go before the legislature and I will stump the state. Whatever it takes to bring us out of educational crises, it will be done.**

Advanced Training. Our school teachers and other professional people need opportunity to take courses of advanced study. Presently, many must go out of the state to get such training. In cooperation with the Legislature and educational authorities, I will take steps to see that such courses are added to the curriculum of all our qualified institutions of higher learning and that the standards of excellence be raised.

Scholarships. Only one of four men and women of college age in Alabama today are actually going to college. Lack of funds is the major cause of this situation. I will offer legislation to establish a state scholarship program to aid deserving boys and girls, and also setting up a student loan program in which lending institutions are protected by state guarantees.

Management and Control of Schools. Responsibility for operation, management and control of schools should be in the hands of local boards of education. Questions of consolidation or merger of school districts, of opening or closing schools, should be decided by local boards of education, with guidance from local votes by the people. Legislation will be offered to establish this principle and to strengthen authority of local boards, superintendents and principals in matters of internal management and discipline of the student body.

Teachers. More than 1,000 Alabama-trained teachers were certified to teach in Florida, in one year recently. Only last year, four of every 10 Alabama graduates who were qualified to teach in Alabama, accepted out-of-state positions or went into other fields of employment. This is a frightful waste of our human resources. Alabama cannot afford to lose its promising youth, who now all too often leave the state because they earn more money out of the state. I will work for a stronger Retirement program for teachers. I pledge immediate steps to increase the income of Alabama teachers to the level of the national average or better. This is a **must**.

Textbooks. Frequent and unnecessary changes in textbooks is wasteful. They cost too much in the first place. Little has been done about this situation since 1900 when Governor Samford urged the Legislature to put attention on this problem. I will seek to lower the cost of our textbooks and to reform the entire system of textbook adoption and distribution.

I also will put an end to the influence of the textbook lobbyist, and halt the unprincipled pressures from salesmen and publishers who seek to sell their books for use of our children. Until these things are done, Alabama taxpayers should not assume the cost for purchase of school books for free distribution beyond the first six grades. When this is done I'm in favor of as many grades of free text books as our assets will stand. The more the better.

Trade Schools and Technical Education. Five trade schools were built under authority of the Wallace Act, which I sponsored as a member of the Legislature. Additional trade schools are needed, to train workers in useful skills.

Industry throughout the state today seeks qualified technicians. Technical specialists command high rates of pay; too many of them have had to be recruited from outside Alabama. To meet

industry's needs, I will sponsor legislation to provide two years of technical training beyond high school for every boy and girl in Alabama who has the ability and desire to profit by such training. Additional junior colleges will be needed to provide this training, in addition to offering liberal arts courses to qualify students for entrance to our universities.

SEGREGATION

White people know where I stand on this question. Colored people know where I stand. And the Federals know where I stand. My convictions have not changed and will **not** change.

I will continue to fight for segregation because it is based on firm conviction of right, and because it serves the best interests of all our people.

I shall react vigorously to outside meddling. We shall fight the Federals in the arena of an increasingly sympathetic national public opinion. We shall fight them in the arena of our courts by interposing constitutional questions involving the sovereignty of this state and the constitutional prerogatives of its chief executive.

I pledge to stand between you and the efforts of a "force cult" to impose on your doctrines foreign to the concepts of our constitutional government, foreign to our way of life and disruptive of the peace and tranquility of our citizens. I will face our enemies face to face, hip to hip and toe to toe and never surrender your governor's office to these 1962 carpet baggers, scallywags and polywags. Right will prevail if we fight. We can have peace and progress in Alabama if we stand firm. There is no other way.

PROGRESS IN AGRICULTURE

Alabama's small farmer has received more lip service and less real help than any part of the population. The Wallace administration will attack this problem with action. The Wallace administration will coordinate efforts of every individual, agency and organization in Alabama interested in helping in this field to launch an all-out drive for additional income for the farmer, from new crops, new markets, new processing plants, with new sources of long-term capital credit.

Rural Development. This program is directed by the Extension Service at Auburn. The Wallace Administration will increase the appropriation for this work. Alabama agriculture added \$500 million to the state's economy in 1961 from sale of farm products. We agree with the Extension service that this total can be doubled in 10 years or less.

Beef Cattle. Remarkable progress in the beef cattle industry in Alabama reflects the high caliber of its leadership, showing what intelligent and determined leadership can do for an industry. Cattle leaders here have courageously resisted attempts to impose federal control of this industry. Alabama cattlemen can depend on my full support to promote their economic advance. The Alabama Cattleman's Association is to be congratulated on its fine work.

Dairy Industry. I am aware of the many problems besetting the dairy industry, both in production and the area of distribution. I pledge to work sympathetically with industry representatives, and to correct inequities wherever they occur. My administration furthermore will not tolerate dictation to our producers from out-of-state sources.

Poultry Industry. I will help this great industry and outstanding contributor to our state economy in every way possible. I was a co-sponsor of the Act which took the taxes off feed, seeds, and insecticides and I will continue to urge action and legislation which will enable the poultry industry to grow and expand.

Forest Products. Much progress has been made in conserving our forests and in the planting of trees. This good work must continue. The Forest Products Association is doing fine work.

AID FOR OUR SENIOR CITIZENS

To permit our senior citizens to live under conditions that provide less than the bare necessities of food, clothing, shelter and medical care is unthinkable and appalling. My concern in this field is not a position assumed for political gain. I have a long and consistent legislative record in support of measures benefiting the aged. I feel it is a man's duty to help the old.

George Wallace's goal to Alabama is to increase their pensions to \$100.00 a month or better and to make vigorous efforts to expand and broaden provisions of federal (without federal control) and state programs to assist them in every way. I also shall insist on higher standards for private homes for the aged, and shall encourage private development of housing developments for the aged.

The Wallace Administration will work toward a system of medical care for the aged.

LABOR

Those who belong to the ranks of labor have played a great part in building Alabama. I am for a strengthened and adequate workmen's compensation and unemployment compensation program. I will veto any legislation the Legislature passes that

would deprive labor of any of the gains it has won through the years.

TAXATION

We realize that existing revenues are not adequate to meet the projected needs of education and other essential state services. But additional funds can be provided through a relentless campaign against waste and extravagance in government, against political plundering, and by channeling money saved into areas of urgent need.

Additional funds can be provided by increased yields from existing taxes, and this will come about in a dynamic, expanding economy, in agriculture, in industry, in all phases of business enterprise.

Therefore, a major objective of the Wallace Administration will be to provide the leadership, the goals and the determination to assure growth of the state's economy. To double the per capita income of our people is not a political promise—it is an economic necessity.

STATE EMPLOYEES

Our state employees are loyal, conscientious, qualified and dedicated public servants.

The practice of making political appointments designed to circumvent competitive requirements of the state's merit system destroys morale, leads to inefficiencies and weakens the structure of fairness upon which the merit system of employment is based.

The state's retirement system can be strengthened. The yield on the fund's reserves is inadequate. A medical and hospital insurance plan for state employees can be made available without additional cost to the employees by higher yields from this fund's reserves.

State employees should work an eight-hour day only, and should receive overtime pay for work beyond that limit.

We must work toward a state employees' salary scale that is competitive with business and industry and other governmental branches.

TEMPERANCE

I favor the re-emphasizing of the teaching of temperance in our schools. Alcoholic beverages should not be served in the Governor's Mansion and will not be served while I am your Governor. The Governor should set a proper example in his public life as well as in his private life.

The organization known as Alcoholic Anonymous is doing a fine job. I shall from this fine organization select and appoint the head of the Commission on Education with respect to alcoholism.

VETERANS

I am a World War II veteran and my record on behalf of veterans is well known. It is based on my honest convictions. As a legislator, I sponsored the GI Dependency and Benefits Acts under which many children of deceased veterans are now able to obtain college training. I shall continue to be the real friend of the veteran and see that his rights are protected.

MUNICIPALITIES

Alabama's towns and cities are burdened with mounting demands for increased services in the areas of education, hospitals, streets and utility services for new housing, for new industry, for libraries, medical clinics, parks and other recreational facilities.

Primary tax sources to meet these demands have been taken over by federal and state governments, and our municipalities are now hard pressed to meet needs of its citizens.

The Wallace Administration will provide technical assistance to municipalities, when asked for, which cannot afford costs of outside help. We will assist them in planning physical improvements, in methods of financing, in allocation of road funds for industrial development, in development of local industry and in their efforts to attract new industry, but we will **not interfere** in their **internal** affairs.

WOMEN'S TALENTS

Our society should not deny the contributions to government which can be made by many exceptionally well qualified women simply because they are women.

I will appoint women to serve in responsible positions in my administration.

I shall also conscientiously strive to abolish the prohibition against women serving on juries in Alabama today, but see that women jurors do **not** have to serve on racially mixed juries.

WATER RESOURCES

Alabama has 1600 miles or more of navigable streams and waters, constituting fine assets for industrial development and also for recreational purposes for our people.

The Wallace Administration will promote greater use of these resources by industry. We will encourage, support and revitalize efforts of our river commissions to further develop the Warrior-Tombigbee, Tennessee River and Alabama-Coosa river basins and other such projects that may develop. These valleys are destined to become part of one of the greatest industrial centers in the entire world.

To protect and preserve our water resources, I shall ask that the Water Improvement Commission be given authority to prevent contamination and pollution of our rivers and streams.

COMPETITIVE BID LAWS

Last year the Legislature passed a competitive bid law relating to disposal of surplus property. This bill did not become law.

I will seek passage of such legislation. We will put a stop to the practice of declaring state property "surplus" and then practically giving it away without competitive bids. I firmly believe in competitive bidding and will insist on observance of the spirit as well as the letter of our competitive bid laws.

The evils of the negotiated contract, whereby specifications are written so as to exclude bids by honest competitors, will be abolished.

If there are sales of securities during the Wallace Administration, such sales will be open, public and competitive. No private deals will be allowed—**private deals invite steals.**

CONSERVATION

The Department of Conservation should take a more aggressive role in the development of Alabama's natural resources, with emphasis on wood products and the seafoods industries.

For too long, politics rather than conservation has been the guiding principle in this department, resulting in shocking waste, and plundering of our woodlands and recreational areas.

Alabama has thousands of acres of beautiful woodlands and numerous lakes, which should be used for the health, enjoyment and use of all its people and not for the selfish purposes of any individual or group.

HELP FOR THE ILL AND HANDICAPPED

It is the responsibility of mankind to care for the needy, sick and helpless. One of the first acts of the Wallace Administration will be to visit our state institutions for the mentally ill, the deaf and blind, and our tubercular hospitals. I recognize the handicaps and limitations under which these institutions now operate.

After determining their major and most pressing needs, I shall bring these needs before the people of Alabama, with confidence that they will act to correct the conditions needing remedial attention.

HOME RULE FOR COUNTIES

The continuing shift in population, from farms to cities, from cities to suburbs, has brought tremendous housing and commercial developments, which have spilled over municipal boundaries and added to the problems of county governments.

Counties now have to seek authorization from the Legislature to perform even the most trivial functions of management, such as employing a clerk or buying office supplies. This results in costly inefficiency.

Our concept of county government must be re-examined in the light of changed conditions, to meet modern needs. I shall propose a constitutional amendment to give counties legislative power to meet requirements of efficient internal management, and to give counties power to enact ordinances to meet problems growing out of population and business expansion.

REAPPORTIONMENT

Our small counties must be protected . . . our counties with larger populations must be given fairer representation. I shall work for passage of a reapportionment plan which will accomplish these goals and one which will automatically provide for legislative reapportionment after each Federal census.

HEALTH DEPARTMENT

Alabama's Health Department is the best in the nation. I congratulate our Alabama doctors for what they have done in contributing to this accomplishment.

ALABAMA NATIONAL GUARD

The Alabama National Guard has an outstanding record of achievement in war, and of unequalled excellence in its standards of training and readiness in time of peace. I will resist every effort of the federal government to dominate our National Guard; it must remain what it is, the Alabama National Guard. I will never order the Guard to "nurse" freedom riders, but will maintain law and order without a misuse of our honored and great National Guard.

PRISON SYSTEM

Education and rehabilitation must receive new emphasis in our state prison system. The successful re-entry of offenders into civilian life must receive as much attention as the processes which put the offender into prison. I sincerely believe that all offenders—young and old—should be given an opportunity to prove themselves useful citizens again. Separation of young first offenders from hardened criminals is a must and can be done without new taxes. We also need to do justice by our prison guards and make their compensations equal to that of other state employees.

STATE-FEDERAL RELATIONS

The Wallace Administration will support all federal programs in Alabama which promote the best interests of the people of Alabama.

By the same token, the Wallace Administration will firmly resist dictation and control by federal agencies in areas which traditionally and constitutionally are matters for state and local control. Our way of life and segregation will be preserved. It can be done. It must be done. It will be done.

STATE HIGHWAY PATROL

Members of the Highway Patrol reflect great credit upon themselves and the state. Their courtesy and efficiency and constant vigil to prevent death on the highway is an achievement made all the more laudable by reason of the smallness of this force.

As your governor, I will appoint a committee of traffic experts, safety engineers, highway engineers and representatives of the automotive and trucking associations to make a comprehensive study, make recommendations, and to assist the Highway Patrol in the accomplishment of its mission.

LAW ENFORCEMENT

More than talk is necessary to run the professional gamblers, dope peddlers, purveyors of obscene literature and other criminals out of Alabama.

Last year Alabama gamblers bought more federal gambling stamps than were issued in any other Southeastern state. Hundreds of tons of lewd and obscene pictures and books were shipped into Alabama. Immediate measures are needed to protect our young people from the growing menace of dope.

I will take vigorous, drastic action to run the criminal element out of Alabama. They know I will do this for I know how to do it and my experience as a judge will come in handy. I sponsored the Anti-Lottery Act, which incurred the eternal enmity of the lottery racketeers.

From time to time, during the course of your deliberations in this session, I shall send additional messages to you on our needs and progress.

I do want you to know that all executive departments are functioning smoothly and in cooperation with each other and with the Governor's office. This is the way it must be. We all are going to work together for Alabama.

In conclusion let me again pledge to you my wholehearted support and cooperation as you begin your deliberations.

There will probably be, from time to time, some honest differences of opinion among us.

However, I am sure that each of us have a common goal in mind. That is a Better Alabama for ourselves and our children.

We have great challenges—perhaps I should say opportunities—in Alabama.

We all know the problems. We must find the solutions.

We have the desire, the skill, the intelligence to solve our problems in the interest of all Alabamians.

It is necessary now that we set aside our differences, our personal ambitions and work together.

The recommendations I have made and will make to you are made in good faith and based on my judgment as to what is best for the State of Alabama.

It is in the spirit of cooperation with you and the desire to build a Better Alabama that I bring them to you.

We must work in the interest of all the people of this state for better education for white and colored, for old age pensions for white and colored, better treatment facilities for the mentally ill, tubercular, blind and unfortunate of both races. It is our prayer that our efforts will meet with success and at all times be guided by our Heavenly Father in making a better state for all of our people both black and white.

It is my prayer that our efforts will meet with success and that we may at all times be guided by our Heavenly Father, and my prayer is that he will bless all our people both black and white.

I thank you.

ALABAMA LAWS**and Joint Resolutions****REGULAR SESSION 1963**

Act No. 1

S. J. R. 2—Evans

SENATE JOINT RESOLUTION

Memorializing the U. S. Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, to provide for a detailed quantitative investigation of all flowing and non-flowing water wells within a 10 mile radius of the Southeastern Fish Cultural Laboratory at Marion, Alabama, to determine the effects which the withdrawal of water from these wells will have on the total water supply in that area.

WHEREAS the U. S. Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, is the responsible U. S. Government Agency at the Southeastern Fish Cultural Laboratory at Marion, Alabama, and large quantities of fresh water is being used in the operation of this Laboratory, and

WHEREAS it is the opinion of some experts that water withdrawals at said Laboratory will cause a general lowering of water levels and artesian pressures in adjacent areas

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the U. S. Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, be memorialized to conduct a detailed quantitative water investigation which will include:

1. An inventory of all flowing and non-flowing wells within a 10 mile radius of the fish Laboratory to determine the aquifers developed, the pressure heads, the quantity and quality of water being discharged, the construction of said wells and the use to which said water is being put.

2. A detailed study of the aquifers tapped by the wells at the said fish Laboratory.

3. Aquifer tests on wells; tapping each of the aquifers at the Laboratory to determine the storage and transmission properties of the water bearing beds.

4. Correlate aquifers developed at said Laboratory with those developed by wells within a 10 mile radius thereof.

5. Select observation wells to be used for installing water level recorders or pressure gauges to determine changes in water levels or artesian pressures.

6. Following the completion of the well inventory, drill, according to feasibility, a number of test holes south of said Laboratory to acquire additional geologic or hydrologic data as may be required.

BE IT FURTHER RESOLVED that the study and investigation herein above specified and outlined is needed so that property owners in the area may be forewarned of the probable effects which water withdrawals will have on water supply in said area and take necessary steps to maintain an adequate supply.

BE IT FURTHER RESOLVED that this study and investigation be conducted by the U. S. Geological Survey, Water Resources Division, in cooperation with the Water Resources Division of the Geological Survey of Alabama, and that all findings and determinations be transmitted, in writing, to the U. S. Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, and to the Legislature of Alabama.

Approved May 21, 1963.

Time: 3:15 P. M.

Act No. 2

H. J. R. 2—Fite

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of three members of the House, to be named by the Speaker of the House and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of public business, and ascertain whether he desires to address a joint session of the Legislature.

Approved May 21, 1963.

Time: 3:16 P. M.

Act No. 3

H. J. R. 5—Turner (Crenshaw), Brewer,
Hawkins, Thomas, Merrill,
Cates, Beville, Fite, Engel,
Goodwyn

HOUSE JOINT RESOLUTION

WHEREAS, certain persons, groups and organizations have been and are engaged in activities in the State of Alabama which are of an unlawful nature, endanger the sovereignty of the State of Alabama, and threaten the peace and dignity of the State of Alabama; and

WHEREAS, it is deemed necessary, proper and expedient to establish an agency or commission to do and perform any and all acts and things necessary and proper to preserve the peace and dignity of the State of Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a joint legislative committee to be known as the Commission to Preserve the Peace is hereby established with the following powers and duties:

1. Said joint legislative committee is hereby authorized and empowered to study, investigate, analyze and interrogate persons, groups and organizations who may be engaged in activities of an unlawful nature against the sovereignty of the State of Alabama, and which may be detrimental to the peace and dignity of the State of Alabama. The commission shall have power to hold hearings at any place within the State of Alabama, the commission to determine its meeting places, said meetings to be open to the public or closed sessions, as the committee determines appropriate.

2. Said commission shall be composed of five members, three of whom shall be appointed from the members of the House of Representatives by the Speaker, and two of whom shall be appointed from the members of the Senate by the President of the Senate. The members of said commission shall serve at the pleasure of the Speaker of the House of Representatives and the President of the Senate. The commission shall elect a chairman and vice-chairman from among its own number. Members of the commission shall receive no pay, but may be reimbursed the actual out-of-pocket expenses for travel to any meetings of the commission, upon submission of claims and proof for the same satisfactory to the commission.

3. The commission may employ and fix compensation of a secretary and such investigators, experts, other clerical and technical assistants as it may consider necessary to the performance of its duties.

4. All expenditures of the commission shall be paid from the general fund of the State of Alabama, out of funds not otherwise appropriated, said expenditures to be set by the state comptroller upon requisition issued by the chairman of the commission.

5. The commission shall report its findings to the both Houses of the Legislature and to the Governor, together with its recommendations, if any, for necessary legislation.

Approved May 21, 1963.

Time: 3:17 P. M.

Act No. 4

H. J. R. 8—Camp

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That a joint session of the two houses be held at 12:30 p.m. on Tuesday, May 14, and that we extend a cordial invitation to the excellent Band of the Alabama Institute for Deaf and Blind to perform again for us. We recall with great pleasure the enjoyment this splendid organization has provided us on former occasions, and we eagerly anticipate a repeat performance.

RESOLVED FURTHER that copies of this resolution be sent to Dr. E. H. Gentry, President of the Institute, and to Mr. B. Q. Scruggs, principal of the school for the blind.

Approved May 21, 1963.

Time: 3:18 P. M.

Act No. 5

S. J. R. 5—Clark

SENATE JOINT RESOLUTION

WHEREAS, many areas have been acquired by the State through the years for the use and enjoyment of the people as part of our State Parks System; and,

WHEREAS, such areas, including scenic and scientific reserves, historic sites, recreational areas, and State beaches, should be preserved for this and future generations; and,

WHEREAS, said land should be firmly held against the pressures of expediency such as highway construction, school sites, parking lots, public buildings, utilities, private development, or other non-conforming uses as such uses or exploitations are contrary to the purpose for which such areas were acquired.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, with the House of Representatives concurring, that it is the will of the Legislature that every effort should be made to prevent the dissipation of irreplaceable parks system land and that encroachments on such land can only be considered after full determination by the proper State officials that such encroachments are absolutely necessary, and further that provisions should always be made for full compensation to replace or enhance violated park land.

Approved May 21, 1963.

Time: 3:18 P. M.

Act No. 6 H. J. R. 10—Collins, Rast, Gilmore, Bailes, Vacca,
Dominick, Etheredge, Sessions, Perry,
Brown (Jefferson), Locke, Hawkins,
M. Bethea

HOUSE JOINT RESOLUTION

WHEREAS, recent events in Birmingham, Alabama, brought on by agitators to stir up sympathy for Negro integrationists are criminally tragic, and,

WHEREAS, the good citizens of Birmingham, and the State of Alabama, are best qualified to handle this situation which is over a century old, and,

WHEREAS, the police of the City of Birmingham, the Sheriff's Office of Jefferson County, and the Highway Patrol of the State of Alabama have adequate numbers of trained personnel and have shown great skill and diligence in their handling of this provoking problem, and,

WHEREAS, the shocking racial atrocities, in New York City, Washington, D. C., Chicago, Illinois, and other publicly known and documented events and places, have not been of such political significance to move the President of the United States to military action by ordering troops to those areas.

BE IT THEREFORE RESOLVED by the House of Representatives, the Senate concurring, that we hereby deplore Federal Intervention by the President of the United States and call upon him not to use Armed Troops on the Sovereign Soil of Alabama since Local Authorities are in complete control and the rights of ALL citizens are being equally protected; and, where it affirmatively appears that the Legislature of Alabama has not requested Federal assistance as required by the Constitution of the United States and the Governor of the State of Alabama has expressly denied the need for such unwarranted action.

Approved May 21, 1963.

Time: 3:19 P. M.

Act No. 7 H. J. R. 11—Collins, Rast, Gilmore, Bailes, Vacca,
Dominick, Sessions, Etheredge,
Brown (Jefferson), Locke, Hawkins,
M. Bethea

HOUSE JOINT RESOLUTION

WHEREAS, troubled times have beset Birmingham, Alabama, in the form of calculated hate, planned unrest, useless destruction of private and public property and needless agitation between the white and colored races, and

WHEREAS, lesser men than those in control of the police forces in this City of tragic events would have faltered and succumbed to the same forces of hate, and

WHEREAS, Chief Jamie Moore, Sheriff Mel Bailey, Fire Chief John Swindall and Public Safety Director Al Lingo and their dedicated men have shown great courage and admirable restraint under the most adverse circumstances, and dedication to the highest principles of law enforcement,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we hereby commend their action, honor their dedication and express the gratitude of all the people of Alabama and the Southland for their expert and tireless efforts to preserve the peace and protect the rights of All the citizens of Birmingham and Alabama.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Chief Jamie Moore, Sheriff Mel Bailey, Fire Chief John Swindall and Public Safety Director Al Lingo.

Approved May 21, 1963.
Time: 3:20 P. M.

Act No. 8 H. J. R. 13—Rast, Sessions, Perry, Morrow, Bethea (B), Etheredge, Meeks, Brown (Jefferson), Locke, Collins, Vacca, Gilmore, Bethea (M), Hawkins, Bowers, Dominick, Bailes

HOUSE JOINT RESOLUTION

WHEREAS, the Southeastern Conference track and field events competition has been scheduled for Friday and Saturday, May 17 and 18, 1963, at Legion Field in Birmingham, Alabama, after a long absence which has been much missed by the sports enthusiasts of the entire state; and

WHEREAS, the City of Birmingham considers it a distinct honor and a privilege to act as host city to this important event, and the people of Alabama are most grateful for the opportunity thus afforded our high school athletes and sports lovers from throughout the state to view outstanding champions in action representing each of the colleges and universities in the Southeastern Conference; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE AND SENATE CONCURRING, That we extend to the athletic directors, coaches, and individual participants in the track and field events a most cordial welcome to the Magic City of Birmingham and to the state and wish each team and each indi-

vidual participant much success in competition and much pleasure in his sojourn in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the athletic directors of each of the Southeastern Conference colleges and universities; Mr. Fred Sington, Chairman, Athletic Events, Downtown Action Committee, Chamber of Commerce Building, Birmingham 3, Alabama and to Mr. Jack Aland, Chairman, Athletic Affairs Committee, Birmingham Chamber of Commerce, Chamber of Commerce Building, Birmingham 3, Alabama.

Approved May 21, 1963.

Time: 3:21 P. M.

Act No. 9

H. J. R. 15—Turnham

HOUSE JOINT RESOLUTION

WHEREAS, the Auburn University baseball team, under the able leadership of Coach Paul Nix, has concluded a most successful season, having won the championship of the eastern division of the Southeastern Conference and subsequently defeating the western division champions, the stalwart Mississippi Rebel team; thus the Tigers reign as undisputed champions of the Southeastern Conference and, as such, have been accorded the coveted honor of representing the Conference in the forthcoming NCAA Championship play-off in North Carolina; and,

WHEREAS, the Southeastern Conference is noted nationally as a "fast" baseball league characterized by teams rich with athletic talent, and tutored by superior coaching staffs and that championship teams of the conference necessarily must combine great ability, superior coaching, and team spirit of such a nature as to rank it among the highest achievements in any form of amateur athletics; and,

WHEREAS, the victories of the Auburn squad are in keeping with the rich baseball traditions of Auburn University and in keeping with the incomparable traditions of Auburn spirit vocalized in the thunderous "War Eagle" cry which has resounded across the nation wherever championship sports are played; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend hearty congratulations to Coach Nix and the individual members of the Auburn baseball squad for their achievement in winning the Southeastern Conference baseball championship, and wish them great success in the NCAA play-off.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Paul Nix, Auburn University, Dr. Ralph Draughon, President of Auburn University, and to the Lee County Bulletin and Opelika Daily News.

Approved May 21, 1963.
Time: 3:24 P. M.

Act No. 10 H. J. R. 16—Jones (Covington), Brewer, Salter,
Doggett, Heflin

HOUSE JOINT RESOLUTION

WHEREAS, Governor George C. Wallace, pursuant to the highest obligations of the office of governor was called upon to utilize the law enforcement agencies of the state to restrain mobs in the streets of Birmingham, and by reason of his prompt action in dispatching the Alabama highway patrol to the scene of the riot, and by reason of the extraordinary efficiency of the patrol the mobs were restrained and dispersed and order was restored and maintained in the city of Birmingham; and had the Governor failed to act in this emergency, such failure would have been a dereliction of duty and would thereby have afforded the President of the United States a pretext for ordering the invasion of this state by armed troops; and

WHEREAS, the executive branch of the federal government has long assumed a policy of tacit encouragement and active support of irresponsible racist agitators sent into this state to defy our laws and to deliberately inflame unstable emotions into frenzied, savage, racial violence, which, by reason of the notorious overtone of political motivation, places such policy among the rankest infamies in the history of this Nation; and despite the fact that actual violence, spawned and nurtured by this policy, was under full control of local law enforcement agencies and the mobs had been dispersed and order restored to the city of Birmingham, the President of the United States issued orders to the U. S. Secretary of Defense to dispatch armed troops into the state of Alabama and ordered him to take steps toward federalization of the Alabama National Guard, which would have deprived the Governor of this state of local law enforcement strength to quell additional eruptions of mob violence should they occur; and

WHEREAS, the President of the United States has stated publicly that the purpose for sending troops into Alabama was to insure an "atmosphere" conducive to the enforcement of a secret agreement entered into by a committee composed of notorious non-resident racist agitators and other persons unknown, acting without sanction of law or authority of the people of Birmingham or of any state or local governing body; and

WHEREAS, this act of the President and other racist acts of the executive department of the federal government are flagrant violations of the letter and the spirit of the federal constitution and illustrate strikingly the totalitarian concept of power under which the despotic hierarchy of the executive branch of the federal government now operates; and

WHEREAS, the federal government and each branch of the federal government was created by the people as a government of limited powers with those powers not delegated retained in the people and in the states, and, that assurance of this reservation should be made doubly sure and to forever prevent the usurpation of powers retained by the people, these reservations of powers were incorporated in the Bill of Rights as Amendments IX and X; and any nullification or impairment of those retained powers, either by judicial fiat or by executive department usurpation, is a breach of faith and a violation of the oath subscribed to by every federal official to support that solemn guarantee to the people; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Governor George C. Wallace for his prompt action in dispatching the Alabama highway patrol and other law enforcement officers to Birmingham to quell the mob violence in that city, and express to him the sense of appreciation of the citizens of this state both white and colored for his effective handling of the Birmingham situation.

BE IT FURTHER RESOLVED, That we commend Governor Wallace for his resoluteness in notifying the President of the United States that the legislature and the people of Alabama consider sending federal troops into this state to be in direct contravention of guarantees of the United States Constitution of rights and powers reserved to the sovereign people and to the respective states of the union, and that we urge the Governor to continue to resist all unlawful usurpation of power by the federal government and all encroachments by the federal government upon the rights of the sovereign people and the state of Alabama.

BE IT FURTHER RESOLVED, That the President of the United States is urged to remove immediately all federal troops deployed in this state for the purpose of usurping the function of local law enforcement agencies, and thus recognize that the continued maintenance of peace and tranquility of the people of the city of Birmingham and of this state is a local and not a federal responsibility, and by so doing make available combat troops which would be more appropriately employed otherwise than against citizens of this country.

BE IT FURTHER RESOLVED, That the President of the United States is urged to reevaluate his assessment of his own

powers as against the constitutional reservations of power in the people and the states as embodied in the Bill of Rights.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of the United States, to the U. S. Attorney General, to the Attorney General of the State of Alabama, and to the individual members of the Alabama Congressional delegation.

Approved May 21, 1963.
Time: 3:25 P. M.

Act No. 11 H. J. R. 17—Jones (Covington), Heflin, Glass, Wood, Downing, Engel, Fields, Daniel, Campbell (Tuscaloosa), Owens, Pierce, Grouby, Brewer, Fite, Moore, Cates, Davis, Turner (Limestone), Bowers, Morrow, Sessions, Hawkins, Vacca, Martin, Avery, Burns, Albea, Powell, Baker (DeKalb), Cook, Teel, Turnham, Boston, Paulk, McCorquodale, Doggett, Hain, Steagall, Blanton, Holladay, Carr, Snell, Baker (Madison), Reynolds, Barnett, Campbell (Jackson), Hannah, Drake, Scurlock, Salter, Branyon, Cooper, Cornett, Bolton

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable Al Lingo, director of public safety, in response to an emergency call upon his department for assistance to local law enforcement agencies in the recent racial riot in the city of Birmingham, acted with promptness and characteristic efficiency and in a very short time the highly trained men of the department had effectively contained the theretofore unrestrained mob, thereby preventing further bloodshed and other depredations upon persons and property incited by trained out of state racist agitators; and both he and the men of his command, having demonstrated personal courage, fortitude and disciplined restraint in facing and quelling the venomous savagery of an emotional unstable mob, have earned the unqualified thanks of every responsible citizen in this state for an extraordinarily effective job of law enforcement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Al Lingo and the officers and men of the state highway patrol for the performance of a most hazardous task under circumstances of great emergency, with courage, efficiency and great restraint,

and extend to them individually and collectively the thanks of all responsible citizens of this state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Al Lingo; to the individual members of the Alabama Congressional delegation; to President John F. Kennedy; and to the Attorney General, Robert Kennedy.

Approved May 21, 1963.

Time: 3:27 P. M.

Act No. 12

H. J. R. 19—Steagall

HOUSE JOINT RESOLUTION

WHEREAS, the 75 piece Carroll High School Band of Ozark, Alabama, under the direction of Mr. John H. (Pete) Moseley will represent the State of Alabama in Indianapolis, Indiana, May 28th through May 30th during the festivities of the world famous "Indianapolis 500"; and

WHEREAS, during the past two years the Carroll High School Band of Ozark has given shows at two college campuses as a result of their excellent musical ability and showmanship, appearing last fall before 42 High School Bands and 25,000 football spectators on Band Day at Auburn University and appearing on January 1, 1961, in the Orange Bowl parade in Miami, Florida; and

WHEREAS, the Carroll High School Band of Ozark has been chosen after a great deal of competition from several hundred high school bands of the United States to appear at the festivities of the "Indianapolis 500"; and

WHEREAS, the Carroll High School Band of Ozark will be the only band from the State of Alabama attending the "Indianapolis 500" and will appear as ambassadors of the State of Alabama before more than 400,000 spectators and additional millions of people on television in the "500 parade" on the evening of May 28 and again on Memorial Day during the pre-race activities; and

WHEREAS, the Legislature of Alabama and the entire State of Alabama are justly proud of the selection of the Carroll High School Band of Ozark, Alabama, and its appearance at Indianapolis during these festivities;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That the members of the Carroll High School Band and its director, Mr. John H. (Pete) Moseley, of Ozark, be and they are hereby congratulated and commended for their excellence in

musical ability and showmanship and for their selection as one of the bands appearing in the 1963 "Indianapolis 500" festivities; and further that best wishes for a successful trip and performance are extended to the Carroll High School Band of Ozark.

BE IT FURTHER RESOLVED that a copy of this resolution be sent by the Clerk of the House to Mr. John H. (Pete) Moseley, Band Director, Mr. M. R. Painter, Principal of Carroll High School, Mr. Arnie Glover, president of Carroll High Band parents Association and Mr. Tom Alexander, Superintendent of the Ozark City School System.

Approved May 21, 1963.
Time: 3:28 P. M.

Act No. 13

H. J. R. 21—Cornett

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with deep regret the recent death of a highly esteemed, popular and beloved citizen of Russell County who ably represented his county in the House of Representatives from 1939 through 1942.

BE IT FURTHER RESOLVED that we hereby express our sincere sympathy to his widow, Mrs. H. O. Booth in her great loss.

The Clerk of the House of Representatives is hereby directed to send a copy of this resolution to Mrs. H. O. Booth.

Approved May 21, 1963.
Time: 3:29 P. M.

Act No. 14

S. J. R. 6—Clark

SENATE JOINT RESOLUTION

RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the distinguished physician and celebrated speaker, Edward R. Annis, M. D., of Miami, President-elect of the American Medical Association, is cordially invited to address a joint session of the two houses of the Legislature of Alabama at 12:30 p.m., Tuesday, June 4, next.

Doctor Annis, who has won great fame as a debater and public speaker, is a member of the Speaker's Bureau of the American Medical Association and has during the past several years engaged in a number of interesting and widely publicized debates

with many notable national figures, including United States Senators McNamara of Michigan, Proxmire of Wisconsin, Javits of New York, and Humphrey of Minnesota. He has won many awards for outstanding accomplishments, has held numerous important positions in civic and public organizations, and has achieved a great record in his professional career. It will be a special privilege to have him as our guest.

Approved May 28, 1963.
Time: 12:30 P. M.

Act No. 15 H. J. R. 18—Jones (Covington), Heflin, Glass, Wood, Downing, Edington, Engel, Fields, Daniel, Bowers, Campbell (Tuscaloosa), Owens, Pierce, Grouby, Brewer, Fite, Moore, Cates, Branyon, Davis, Gilmore, Turner (Limestone), Morrow, Sessions, Vacca, Hawkins, Perry, Martin, Avery, Burns, Albea, Powell, Baker (DeKalb), Cook, Teel, Turnham, Boston, Cooper, Paulk, McCorquodale, Doggett, Cornett, Hain, Steagall, Blanton, Bolton, Holladay, Carr, Snell, Nabors, Baker (Madison), Reynolds, Barnett, Campbell (Jackson), Hannah, Drake, Scurlock

HOUSE JOINT RESOLUTION

WHEREAS, Astronaut Gordon Cooper has manned Spacecraft Faith 7 through 22 orbits of the earth for a new record for American Astronauts, which feat was made possible by the combination of almost unbelievable efficiency of countless mechanical apparatus and scientific instruments in the craft and by reason of the even more remarkable calm, courage, and efficiency of Gordon Cooper; all of which has contributed much to the faith of the American people in this nation's ultimate triumph in the technological race with totalitarian nations for control of outer space; and,

WHEREAS, this remarkable feat of Gordon Cooper has evoked great admiration of the American people in which the members of the Alabama legislature share in full measure; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our hearty congratulations to Gordon Cooper and wish him great success in any future ventures he may undertake.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Gordon Cooper, Cape Canaveral, Florida; to Colonel J. A. "Shorty" Powers, Cape Canaveral, Florida; to Mrs. Gordon Cooper, Houston, Texas; and Mrs. Hattie Cooper, Tecumseh, Oklahoma.

Approved May 28, 1963.

Time: 12:31 P. M.

Act No. 16 H. J. R. 20—Bowers, Sessions, Hawkins, Bailes,
Morrow, Perry, Rast, Locke, Moore,
Betha (B.), Brown (Jefferson)

HOUSE JOINT RESOLUTION

Memorializing Congress to enact H. R. 2332, a bill to provide for the payment of pensions to veterans of World War I.

WHEREAS, many hundreds of thousands of our Nation's finest citizens served the cause of Democracy during the period of World War I, and a large number of these veterans have reached the age and circumstances in which they are no longer self supporting; also, many of them are suffering illnesses and infirmities aggravated by their honorable service to their country, and, through no fault of their own, they have largely become a class of forgotten men; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize the predicament of these veterans of World War I and petition the Congress of the United States to give favorable consideration to, and enact, H. R. 2332 (the World War I Pension Act) which would provide benefits to the aged ill and to disabled veterans of World War I in the form of pensions, and certain benefits to the widows and dependents of veterans of World War I.

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send copies of this resolution to the President of the United States, to the Director of the United States Bureau of the Budget, to the Chairman of the United States Veterans Administration, to the Chairman of the Committee on Veterans Affairs of the House of Representatives of the United States, and to the United States Senators and members of the House of Representatives of the United States from the State of Alabama.

Approved May 28, 1963.

Time: 12:32 P. M.

Act No. 17

H. J. R. 22—Cooper, Turnham

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable William Varner, after having served with great distinction and credit to the state and his county for almost twenty-six years as judge of probate of Macon County, has recently retired from the public service because of ill health; and

WHEREAS, Judge Varner served ably as mayor of Tuskegee and as a member of the house of representatives from Macon County before his appointment as judge of probate in 1937; and

WHEREAS, Judge Varner has always been a peerless gentleman, able and devoted public servant, and has performed countless deeds of kindness, of courage, and fidelity to the state and his fellowmen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take note of the many accomplishments of Judge Varner and extend to him upon his retirement grateful appreciation for his many contributions to the progress and welfare of the state and his county and every wish for a complete and speedy recovery.

And Be It Resolved, further, that the Clerk of the House shall send a copy of this resolution to Judge Varner.

Approved May 28, 1963.

Time: 12:33 P. M.

Act No. 18

H. J. R. 23—Rogers, Edington, Hogan, McDermott, Engel, Fields, Downing, Smith

HOUSE JOINT RESOLUTION

WHEREAS, ARTHUR LEONIDAS ROSS, recently retired Vice President and General Manager of the Southern Kraft Division of International Paper Company, died following a brief illness at his home at Mobile, Alabama, on Thursday, May 2, 1963, after a long and distinguished life of service to business and industry not only within the State of Alabama and the South, but throughout the nation as well.

Mr. Ross was born of illustrious Southern lineage in Bastrop, Louisiana, on April 15, 1895, and after receiving his primary education in the public schools in that community, entered Louisiana State University for professional studies. However, shortly after matriculation at the University he voluntarily interrupted his studies to serve with distinction abroad as an officer in the Field Artillery in the United States Army in World War I, seeing active service in no less than seven major engagements of that struggle. He was discharged with the rank of Captain in 1919

and returned to pursue his studies at Louisiana State University. He was graduated with a degree in chemical engineering followed by a masters' degree in the field of sugar engineering in which field of professional endeavor he first accepted employment in his native state and on the island of Cuba for four years. However, at the end of this period he transferred his professional allegiance in 1925 to the growing pulp and paper industry of Louisiana filling the position of Chief Chemist at the Bastrop, Louisiana, mill of International Paper Company, a concern to which he dedicated the remainder of his long and fruitful life.

After serving in various capacities of growing scope, recognition and responsibility with his company both in Louisiana and South Carolina, Arthur Ross transferred his residence to Mobile, Alabama, in 1939 upon assuming the position of Production Manager of International's Southern Kraft Division's operations. Continuing his uninterrupted progress, he was named Vice President of the company and Assistant General Manager of its Southern Kraft Division in 1952, and in 1961 became its General Manager in which capacity he served with outstanding ability until his retirement a few weeks prior to his passing.

It is important to record that Arthur L. Ross not only left a permanent and enduring imprint upon the business and industrial life of this State, but his devotion to his church, his community and various fields of civic endeavor is also highly noteworthy and a tribute to his memory inasmuch as his fields of service were as broad, effective and serene as were those of direct professional concern.

It is the sentiment of these bodies that in the death of Arthur L. Ross the State of Alabama has lost a devoted citizen and a leader of great stature, and that his passing should be permanently memorialized by the official action of this Legislature. Therefore, be it unanimously

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING THEREIN, that the State of Alabama mourns the passing of a distinguished member of this State and that his farsighted leadership in the fields of business, industry and civic endeavor will be sorely missed not only by those who knew him personally but by the many who benefited directly and indirectly from the leadership he so generously afforded throughout a long and fruitful service; be it further

RESOLVED, that these expressions and resolutions be spread upon the permanent records of these bodies and that copies thereof be published and furnished to the members of his immediate family who feel most keenly of all his untimely death.

Approved May 28, 1963.

Time: 12:34 P. M.

Act No. 19 H. J. R. 24—Turner (Limestone), Slate, Brewer, Cantrell, Reynolds, Moore, Boston, Hannah, Meade, Baker (DeKalb), Campbell (Jackson), Hester, Drake, Baker (Madison), Carr

HOUSE JOINT RESOLUTION

WHEREAS, the present prosperity of the Tennessee Valley area of Alabama far exceeds the fondest dreams of its early settlers, who recognized the vast power potential of the thirty-seven mile stretch of rapids in that part of the Tennessee River which traverses Alabama and talked and dreamed about the prosperity that would flow from development of these rapids; and,

WHEREAS, no single factor has contributed more to bringing about this prosperous condition than the establishment of the Tennessee Valley Authority, which was created by Act of Congress, approved on May 18, 1933, for the expressed purposes of providing power, controlling floods and improving navigation; and,

WHEREAS, the Tennessee Valley Authority, better known as TVA, has done and is doing a magnificent job of providing power to a large area of North Alabama at most reasonable prices, controlling floods not only along the Tennessee and its tributaries but even along the lower stretches of the Mississippi, and improving the navigability of the Tennessee River, thus opening North Alabama to ocean-going vessels; and,

WHEREAS, the splendid services of the TVA have thus redounded to the benefit of the whole State of Alabama, and particularly to the benefit of the Tennessee Valley area thereof, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama, in commemoration of that special day thirty years ago tomorrow, on which that boon to Alabama, the Tennessee Valley Authority, was created, notes with pride the unprecedented industrial and economic development which has occurred in the Tennessee Valley since that day, and hereby gratefully acknowledges the tremendous contribution made by the TVA toward Alabama's progress.

BE IT FURTHER RESOLVED, That we hereby commend the TVA and its board of directors, for its many achievements during its thirty year existence.

The Clerk of the House of Representatives is directed to transmit a copy of this resolution to the Tennessee Valley Authority at its principal office in this State.

Approved May 28, 1963.
Time: 12:35 P. M.

Act No. 20 H. J. R. 25—Hawkins, Jones (Covington), Bailes, Etheredge, Bethea (B), Morrow, Perry, Rast, Locke, Meeks, Dominick, Bethea (M), Bowers, Gilmore, Vacca, Sessions, Brown (Jefferson), Doggett

HOUSE JOINT RESOLUTION

WHEREAS, the department of public safety and all of its officers, the state conservation officers, ABC enforcement officers, special deputies and other law enforcement officers from over the entire state of Alabama were called upon to provide assistance to local law enforcement agencies in the recent racial riot in the city of Birmingham; and,

WHEREAS, each of these agencies and each individual officer responded to the emergency with commendable promptness and acted at the scene with trained efficiency and quickly contained the theretofore unrestrained mob and thereby prevented further bloodshed and other depredations upon persons and property by the mob which had been incited by trained out of state racist agitators; and,

WHEREAS, the officers and men of the separate agencies called upon in this emergency situation demonstrated personal courage, fortitude and disciplined restraint in facing and quelling the racist mob and reflected a high order of discipline and training which reflects great credit upon themselves and their separate agencies and has earned the gratitude of every thinking citizen in this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to the individual officers and members of all state agencies involved an expression of sincere appreciation on behalf of all of the people of this state and that we warmly commend them for an extraordinarily effective job of law enforcement for the manner in which they handled the Birmingham emergency.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Al Lingo, director of the department of public safety; to Claude Kelley, director of the state department of conservation; to Milton Andrews, chairman of the Alabama alcoholic beverage control board; to the individual members of the Alabama Congressional delegation; to President John F. Kennedy; and to the Attorney General, Robert Kennedy.

Approved May 28, 1963.
Time: 12:36 P. M.

Act No. 21

H. J. R. 26—Baker (Madison), Reynolds,
Pennington

HOUSE JOINT RESOLUTION

WHEREAS, Mrs. Patrick Richardson in her devoted service to the City of Huntsville and to Madison County has contributed immeasurably to the recreational, social, and cultural life of her community; and

WHEREAS, Mrs. Richardson has been an active member of the Madison County Council of Community Organizations, the Civic Symphony Guild, the Huntsville Antiquarian Society and the Huntsville Historical Association, has served as chairman of a study committee on recreational facilities, on the board of directors of the United Givers Fund, the Huntsville Civic Symphony Association and Sommajade Girl Scout Council, and assisted in organizing and served as the first president of the Arts Council Incorporated; and

WHEREAS, Mrs. Richardson has received from her community the 1962 Award of Achievement from the Huntsville-Madison County United Givers Fund, the Award of Excellence from the Madison County Council of Community Organizations, and a certificate of appreciation from the Huntsville Business and Professional Women's Club; and

WHEREAS, in recognition of her achievement in civic, church and political activities the Alabama Federation of Business and Professional Women have presented this selfless community leader with the Woman of Achievement Award; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That the Legislature hereby congratulates Mrs. Richardson on her receipt of the Woman of Achievement Award. We commend her for her ability, her diligence, and her devotion to her community and we express our appreciation to the significant contributions she has made to the City of Huntsville and to Madison County.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Mrs. Richardson.

Approved May 28, 1963.

Time: 12:36 P. M.

Act No. 22 H. J. R. 27—Callahan, Campbell (Tuscaloosa),
Brown (Tuscaloosa), Grouby

HOUSE JOINT RESOLUTION

WHEREAS, the people of Alabama are greatly indebted to Dr. Morris G. Caldwell, who has served so outstandingly as Professor of Sociology at the University of Alabama for a number of years; and

WHEREAS, Dr. Caldwell has made extraordinary contributions to the State by his inspired teaching of its youth, by his unselfish dedication to the highest principles of the field of Corrections, and by having undertaken and carried out significant programs in the area of Correctional Research; and

WHEREAS, Dr. Caldwell has served for many years as Editor of the Alabama Correctional Journal, a nationally recognized publication in the field of Correctional Research; and

WHEREAS, Dr. Caldwell has made truly outstanding contributions to the State of Alabama through his work in the areas of Corrections and Probation and Parole; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING: that we hereby extend to Dr. Morris G. Caldwell the heartiest congratulations and the sincere appreciation of the people of Alabama, and extend our best wishes for many years of pleasant retirement.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Dr. Caldwell.

Approved May 28, 1963.

Time: 12:37 P. M.

Act No. 23

H. J. R. 12—Vacca, Bailes

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, THE SENATE CONCURRING, That the bridge which crosses the Conecuh River where State Highway Number 41 leading from Brewton, Alabama, to Milton, Florida, crosses said Conecuh River in Escambia County, is hereby named, designated and shall be known as "The Malcolm Edwards Bridge," in honor of the esteemed Representative from Escambia County in this Legislature.

BE IT FURTHER RESOLVED That the State Highway Department is requested to erect at or attach to this bridge appropriate plaques or markers showing its designation as "The Malcolm Edwards Bridge."

Approved May 30, 1963.

Time: 2:40 P. M.

HOUSE JOINT RESOLUTION

WHEREAS, veterans of World War I, World War II, and Korea are, by reason of their honorable wartime service, entitled to veterans' benefits under laws enacted by the Congress of the United States, and

WHEREAS, such legislation provides that pension may be paid based on total disability which has not been judged to be service-connected by the Veterans Administration, and

WHEREAS, effective July 1, 1960, a new law, known as Public Law 86-211, became operative for payment of pension, which was to liberalize pension benefits especially for those already in receipt of pension under a law which had been in effect for many years (now commonly referred to as "the old pension law"), provided those affected elected to receive benefits under PL 86-211, and

WHEREAS, it is now proven that only a very small percentage have elected to receive the uncertain benefits under this law because of its restrictive provisions and of the further fact that once an election had been made, the choice was irrevocable, which establishes beyond any doubt that PL 86-211 has failed in its original purpose, and

WHEREAS, that group of veterans who constitute the second oldest group in America have suffered the greatest inequity as a majority have not benefited at all, and many who elected under PL 86-211 are now receiving lesser benefits than before, and

WHEREAS, it is believed that the present pension law is not fully representative of the conscience of the people of the United States, who are steadfast in their belief that the defenders of this Nation should be cared for in a manner consistent with the American way of life.

RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses thereof concurring, that the Congress of the United States be memorialized to give immediate favorable consideration to pending legislation which would amend and liberalize Public Law 86-211 for the better benefit of this group of older war veterans, and also to support any present or subsequent proposal which would grant to such older veterans or dependents the right to elect and re-elect from among the several laws now providing benefits through the Veterans Administration whichever one will provide the larger amount at the time, just as veterans traditionally were allowed to choose prior to the enactment of Public Law 86-211.

RESOLVED FURTHER, that copies of this resolution be sent by the Clerk to the President of the United States, to each member of the Alabama Congressional Delegation, to the Chairman of the Rules Committee, House of Representatives of the United States, and to the Chairman of the Veterans' Affairs Committee of the House of Representatives of the United States.

Approved May 30, 1963.

Time: 2:42 P. M.

Act No. 25 H. J. R. 30—Sessions, Rast, Perry, Etheredge,
Morrow, Hawkins, Locke, Jones
(Monroe), Daniel, Bailes, Meeks,
Dominick, Vacca

HOUSE JOINT RESOLUTION

WHEREAS, this body is greatly saddened by the sudden death of the Honorable Judge Charles H. Brown; and

WHEREAS, Judge Brown will long be remembered for his devotion to justice, his love of his fellowman, and his pride in his municipality; and

WHEREAS, Judge Brown spent much of his life in public service, serving his country as captain in World War I, serving the State of Alabama as assistant attorney general, and serving the City of Birmingham as city attorney and as judge of recorders court; and

WHEREAS, Judge Brown was active in the civic, social and church affairs of Birmingham, having been a Mason, a Shriner, a charter member of the Downtown Exchange Club, a member of the Monday Morning Quarterback Club, and a member of the official board of the Highlands Methodist Church; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That the death of Judge Brown is noted with profound regret, his passing is deeply mourned, and sincere sympathy is extended to his family.

BE IT FURTHER RESOLVED That the Clerk of the House send a copy of this resolution to the widow of Judge Brown.

Approved May 30, 1963.

Time: 2:43 P. M.

Act No. 26 H. J. R. 32—Cates, Pierce, Little, Goldthwaite,
Thomas, Cornett, Faulk, Nabors,
Owens, Burns, Avery, Davis, Bos-
ton, Hannah

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING,
That we record with great pleasure our sincere thanks to the
members and officers of the Automobile Dealers' Association for
the delightful hospitality and enjoyable entertainment provided
the members who attended the dinner dance at the Coliseum as
the guests of the Association.

Approved May 30, 1963
Time: 2:43 P. M.

Act No. 27 H. J. R. 33—Wood

HOUSE JOINT RESOLUTION

WHEREAS, the SEC track meet concluded at Legion Field in
Birmingham on Saturday, May 18, 1963 proved a spectacular suc-
cess in every respect and particularly in the number of successful
and unprecedented assaults on SEC records of long standing by
performances of individual brilliance typified by such feats as a
single flight of five sprinters each running the 100 yard dash in
record time or better; and

WHEREAS, in a track meet in which record breaking was the
rule rather than the exception, the performance of Charley Mose-
ley of the University of Alabama stands out as the greatest indi-
vidual achievement of a track star in SEC history, in that, among
other accomplishments, he set a new record in high hurdles,
timed at 13.9 seconds to defeat the spectacular Billy Hardin of
L. S. U. and breaking the record set by the immortal Spec Towns
in 1936; in that he established a new SEC record of 45 feet 9½
inches in the hop, skip and jump event; in that he won the broad
jump event with a leap of 23 feet, 11½ inches and placed second
to Billy Hardin of L. S. U. in the 330 yard hurdle, to compile an
individual total of 19 points, representing a feat no other track
man in SEC history has ever before accomplished and to further
substantiate the claim of his many admirers to the title of the
greatest and most versatile track star in SEC history; and

WHEREAS, the phenomenal track and field accomplishments
of Charley Moseley are likely to stand as records for many years
to come, which fact lends much luster and prestige to the athletic
program of the University of Alabama and reflects creditably
upon the University and the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

THE HOUSE AND SENATE CONCURRING, That we extend hearty congratulations to Charley Moseley, and also to his coaches and to all of the athletes of the University of Alabama track team who performed with such brilliance in a memorable event, and wish them all great success in all endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Charley Moseley; Dr. Frank A. Rose; and to the track coaches at the University of Alabama.

Approved May 30, 1963.

Time: 2:45 P. M.

Act No. 28

H. J. R. 34—Jones (Covington)

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable Edward Orlando Baldwin, dean of the Covington County Bar and one of the foremost citizens of Covington County, passed away in Andalusia on the seventeenth day of May, 1963; and

WHEREAS, he served with great honor and distinction in the House of Representatives of the Alabama Legislature from 1926 to 1930 and later as register of the circuit court of Covington County; and

WHEREAS, Mr. Baldwin, an ardent churchman and Christian gentleman, an able lawyer, Master Mason, member of the Knights of Pythias, member of the Woodmen of the World, and Sacred Harp singer, was always sympathetic with the problems of his fellowman and was ever ready to lend encouragement, assistance, counsel, and advice to those who sought it; and

WHEREAS, his many years of service as a member of the school board of the City of Andalusia and his interest in and guidance of the youth of his community exemplified his constant concern for the progress and welfare of the people of the State of Alabama and Covington County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with profound regret the death of Mr. Baldwin and we extend sincere sympathy to his family for their grievous loss.

BE IT FURTHER RESOLVED, That the Clerk of the House send copies of this resolution to surviving members of the family of Mr. Baldwin, The Andalusia Star-News, The Florala News, The Opp News, The Alabama Lawyer, the secretary of the Covington County Bar Association, Andalusia Masonic Lodge No. 434, and the secretary of the Andalusia Sacred Harp Singing Society.

Approved May 30, 1963.

Time: 2:46 P. M.

Act No. 29 H. J. R. 35—Callahan, Campbell (Tuscaloosa),
Brown (Tuscaloosa)

HOUSE JOINT RESOLUTION

WHEREAS, 1963 marks the retirement from the faculty of the University of Alabama of one of Alabama's most distinguished teachers and writers, Dr. Hudson Strode; and

WHEREAS, this native son of Demopolis, and senior professor at the University, having served as professor of English since 1923, and holder of the Prewitt Semmes Chair of Creative Writing since its establishment in 1953, has brought world-wide attention to himself and to the University of Alabama as an author and as a teacher of creative writing; and

WHEREAS, his students have brought literary fame to Alabama, and have included Harriet Hassel, whose *Rachel's Children*, in 1938 was his first success, Ed Kimbrough, Robert Ramsey, Robert Gibbons, Lonnie Coleman, Aubrey Carney, John Mayo Goss, Alice Fellows, John Craig Stewart, Thomas Hal Phillips, Robert Bowen, Carlisle Tillery, Frances Tillotson, and his latest Elise Sanguinetti, whose *Last of the Whitfields* is in its sixth printing; and

WHEREAS, the first two volumes of his definitive trilogy on Jefferson Davis have brought new respect throughout the world for this great Southern statesman, and renown to its author for its outstanding literary quality; and

WHEREAS, his books on South America, Cuba, Bermuda, Mexico, Finland, and Denmark are famous, and his book *Sweden: Model for the World* won for him a knighthood from King Gustolf Adolph VI of Sweden; and

WHEREAS, many of Alabama's sons and daughters have left this state to acquire fame and honor, Hudson Strode has remained in his home state and has let fame come to him.

NOW THEREFORE BE IT RESOLVED by the Legislature, both Houses concurring, that recognition be given to Hudson Strode upon his retirement from the faculty of the University of Alabama.

BE IT FURTHER RESOLVED that the Legislature does hereby pay tribute to Dr. Strode for his creative drive and high professional skills which have had such profound influence on contemporary American literature, and for his inspiration and guidance as a distinguished teacher.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the journals of this body and that copies be forwarded to Dr. Strode.

Approved May 30, 1963.

Time: 2:47 P. M.

AN ACT

To establish the County Court of Marshall County in lieu of the court established by Act No. 346, H. 979, approved September 7, 1955 (Acts of Alabama, regular session 1955, Vol. II, pages 786-796), to define the jurisdiction and powers of said court, provide for its officers, their appointment, election, term of office, powers, duties, and compensation, and to provide that the court shall be open at all times for the transaction of business, and to authorize the judge to fix the time of holding sessions for the trial of cases; to provide for the place of holding said court; to grant to said court limited equity jurisdiction concurrent with the Circuit Court of Marshall County; to provide for the transfer of causes from said court to the Circuit Court of Marshall County and from said circuit court to said County Court of Marshall County; to provide for appellate procedure and to provide special procedure for civil cases involving not more than \$250.00; to provide a special schedule of fees and costs in certain civil cases, and fees, costs, and commissions in other cases; to provide the rules of practice and procedure of said court; to provide that said court shall be a court of record; to abolish the court established by said Act. No. 346 of September 7, 1955, and provide for the transfer of all cases heretofore filed therein to the court hereby established.

Be It Enacted by the Legislature of Alabama:

Section 1. CREATION. There is hereby established in and for Marshall County a court to be known as the County Court of Marshall County. The court shall be in lieu of the court established pursuant to Act No. 346, H. 979, approved September 7, 1955 (Acts of Alabama, regular session 1955, Vol. II, pp. 786-796), which is hereby abolished.

Section 2. JURISDICTION AND POWERS. The County Court of Marshall County shall be a court of record and shall have and exercise the jurisdiction, authority, function and powers hereinafter conferred upon it by this act, and all jurisdiction now or hereafter conferred on Justice of the Peace courts and county courts.

Section 3. JUDGE, ELECTION, TERM, QUALIFICATIONS, FILLING OF VACANCIES, REMOVAL. A judge for the County Court of Marshall County shall be elected at the next general election for state officers in 1964, to hold office for a term of six years until his successor shall have been elected and qualified, and thereafter such judge shall be elected at the same time and for the same term of office as circuit judges are elected in the state. The judge of the court, before entering upon the duties of the office, shall take the oath prescribed by law to be taken by judges of the circuit courts. The judge shall be a qualified elector of Marshall County not less than twenty-five years of age, shall be learned in the law and licensed to practice law in the State of Alabama. The judge shall not practice law in any of the courts of this State or of the United States during his term of

office and shall devote his full time to the duties of his office. The judge may be removed from office in the manner and for the causes provided by law for the removal of circuit judges. Any vacancy occurring during the term shall be filled by the Governor for the unexpired term. The incumbent judge of the court abolished by this act shall be the Judge of the County Court of Marshall County until his successor is elected and assumes office as provided in this section.

Section 4. SALARY OF JUDGE. That the judge of said court shall receive a salary of \$750.00 per month payable out of the general funds of the County at the end of each month, his signed receipt being required.

Section 5. CLERK OF COURT, BOND, DEPUTIES; POWERS, DUTIES. That the Clerk of the Circuit Court of Marshall County shall be ex-officio clerk of said court and shall have the powers and discharge the duties which shall devolve upon the clerks of the circuit courts and the official bond of the clerk shall be not less than \$10,000.00, and he shall be subject to the same pains and penalties with regard to the duties of the office, and except as otherwise provided herein shall be entitled in civil cases to the same fees, as are now, or may hereafter be allowed to clerks of the circuit court and shall be entitled in criminal cases to the same fees as are allowed to clerks of the circuit court in their capacity as ex-officio clerks of county courts, and the same shall be collected as such fees and costs are collected in the circuit courts; and the Deputy Clerks of the Circuit Court of Marshall County shall be ex-officio deputy clerks of the County Court of Marshall County and exercise the same powers and perform the same duties as are exercised and performed in the circuit court.

Section 6. REGISTER OF COURT, BOND, DEPUTIES; POWERS, DUTIES. That the Register of the Circuit Court of Marshall County shall be ex-officio register of said court and shall have the powers and discharge the duties which shall devolve upon the registers of the circuit courts and whose bond shall be not less than \$10,000.00, and he shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees and commissions as are now, or may be hereafter allowed to the Registers of Circuit Courts in Equity, which shall be collected as such fees and commissions are collected in circuit courts; and the Deputy Registers of the Circuit Court of Marshall County shall be ex-officio deputy registers of the County Court of Marshall County and exercise the same powers and perform the same duties as are exercised and performed in the circuit court.

Section 7. PLACE OF HOLDING COURT. That the County Court of Marshall County shall be open at all times for the trial

of cases and the transaction of business and shall be held at the two Court Houses of Marshall County, Alabama, except that should either of said Court Houses be unavailable due to repair or other cause for the trial of cases, the judge of said court may direct the trial of cases in the geographical division of the Court House affected to be held at some other suitable location in such geographical division; provided, however, that said court for the purpose of equity cases shall be held at the Court House of Marshall County, at Guntersville, or, in the event said Court House at Guntersville is unavailable for the hearing of equity cases due to repair or other cause, the judge of said court may direct the hearing or trial of such equity cases to be held at some other suitable place in the City of Guntersville. In case of sickness or disqualification of the judge of said court the law applicable to the appointment and service of special judges in the circuit courts shall apply. The judges of said court shall be subject to the same penalties for failure to attend upon the court as Circuit Judges of this State. The judge of said court shall keep an office in the Court House of Marshall County, at Guntersville, and it shall be the duty of the Board of County Commissioners of Marshall County to provide such an office, and supply the same with necessary furnishings, fixtures, stationery, etc.

Section 8. SESSIONS OF COURT. The County Court of Marshall County shall always be in session. The court shall provide from time to time by an order entered in its minutes for a regular call of its docket at least once each month for each division of said court and for convenient dispatch of its business may have separate calls for different types of cases. Any case may stand for trial at the regular call of the docket on which it is listed or may be set specially at any time upon reasonable notice to all parties.

Section 9. TERRITORIAL JURISDICTION, BRANCHES. That said court is divided into two territorial jurisdictions, one to be known as the Albertville Branch of said court and the other the Guntersville Branch of said court. The territorial jurisdiction of the Albertville Branch of said court, both civil and criminal, shall be the same, except as in this Act otherwise provided, as the jurisdiction now conferred by law on the Albertville Branch of the Circuit Court of Marshall County, Alabama. The territorial jurisdiction of the Guntersville Branch of said court, both civil and criminal, shall be the same, except as in this Act otherwise provided, as the jurisdiction now conferred by law on the Guntersville Branch of said Circuit Court.

Section 10. TRANSFER OF CAUSES, BRANCHES. That should a suit or cause of action be brought in either branch of said court and it should develop either on plea in abatement, or motion to transfer that said cause of action was filed in the

wrong branch of said court, then the court of its own motion may, or on the motion of either party shall transfer said suit or cause of action to that branch of the court having original jurisdiction thereof for trial as provided by this Act, but if no such plea in abatement or motion is made it is waived if not transferred.

Section 11. CASES IN FORMER COUNTY COURT. That all cases heretofore filed in the County Court of Marshall County, which is hereby abolished, whether such cases be now pending or disposed of, shall be and are hereby transferred to the court herein created and shall be treated for all purposes as if originally filed in the court herein created, and all records of said abolished court, together with all judgments heretofore rendered therein, are hereby transferred into and made a part of the records of the court herein created, and execution on any valid judgment not heretofore paid that was rendered by said abolished court may issue as otherwise provided for by law by the clerk of the court herein created returnable to said court.

Section 12. CIVIL JURISDICTION, LIMITS. Said court shall have original jurisdiction in civil cases in all matters where the amount involved does not exceed Two Thousand Five Hundred Dollars, and in all actions of ejectment, and original jurisdiction in actions of unlawful detainer and forcible entry and unlawful detainer, and trial of the rights to property, regardless of the amount involved, or the value of the property.

Section 13. CRIMINAL JURISDICTION. Said court shall have original jurisdiction of all misdemeanors committed in Marshall County, except such misdemeanors as may be instituted by way of indictment.

Section 14. EQUITY JURISDICTION. Said court shall have jurisdiction concurrent with the Circuit Court of Marshall County of all suits and proceedings for divorce or separate maintenance, suits for annulment of marriage, and all cases or proceedings involving custody and support of children, granting and enforcement of alimony, and all other domestic and marital matters over which the Circuit Court of Marshall County has jurisdiction, and said court shall have all the powers and authority regarding such suits, cases, proceedings and matters that are, or that may hereafter be conferred upon the circuit courts or the judges thereof, including the power and authority to grant annulments of marriage, to grant divorces, either limited or absolute, to award alimony and effect property settlements in connection with such divorces, to punish for contempt, and to determine the custody of children.

Section 15. JURISDICTION, ACTIONS FOR POSSESSION OF LAND. Exclusive jurisdiction of actions for the possession

of lands under Chapter 3 of Title 31 of the Code of Alabama of 1940, forcible entry, unlawful detainer, and actions in the nature of unlawful detainer is hereby given to said court. All writs under Chapter 3 of Title 31 and affidavits made with reference thereto shall be made before and issued by the Clerk of said court and should the defendant make and file a counter-affidavit provided for by Section 30 of Title 31 of the Code of Alabama of 1940, then the procedure fixed for the trial of said case before a Justice of the Peace shall govern in this court and the same shall stand for trial on the third day after the filing of said affidavit, and the procedure set up in Chapter 3 of Title 31 of the Code of Alabama of 1940 shall govern in this court. Appeals taken from judgments rendered in such actions shall be to the circuit court and shall be governed by the code provisions relating to appeals in such actions.

Section 16. APPEALS FROM INFERIOR COURTS. That this court shall have exclusive jurisdiction of all criminal and quasi-criminal cases appealed from Justice of the Peace courts, Mayor's courts, Recorder's courts, and all other inferior courts of Marshall County, when no jury trial is demanded as herein-after provided. Any party desiring an appeal from such courts and desiring a trial by jury shall take the appeal directly to the Circuit Court of Marshall County by filing a written demand for trial by jury at the time of taking the appeal. All processes, writs, notices, etc., issuing from such cases appealed to this court shall be executed instanter, to be returnable immediately upon the execution thereof, by the officers receiving the same; and all cases so appealed shall stand for trial at any time after five (5) days notice of the suing out of such appeal to the adverse party, the notice to be given as now required by law.

Section 17. JURISDICTION, PLEADING, PRACTICE. That Chapters 6, 7, 8, 10, 11, 12, 20, 27 and 35 of Title 7 of the Code of Alabama of 1940, as amended, and Chapter Six of Title 15 of the Code of Alabama of 1940, as amended, insofar as they are applicable to the circuit courts of this state are also applicable and shall be deemed to be the law governing in such matters in this court insofar as they do not conflict with the provisions of this act and this court shall also have exclusive jurisdiction of violations under Chapter 7 of Title 13 of the Code of Alabama of 1940, as amended, and Article 3 of Chapter 4 of Title 34 of the Code of Alabama of 1940, and jurisdiction of Chapter 35 of Title 7 of the Code of Alabama of 1940 when the execution, attachment or other like writ originally issued from this court is levied on the property involved in such claim suit.

Section 18. POWERS OF JUDGE: EXTRAORDINARY REMEDIES. The judge of said court shall have the power to issue writs of habeas corpus, prohibition, certiorari, quo warranto,

and all other special and extraordinary writs, and shall also have the power to issue such writs as may be peculiar to a court of chancery insofar as such writs are employed in connection with equity causes or matters over which said court has jurisdiction as hereinabove provided; and the rules of practice and procedure in the circuit courts of Alabama as are now or which may hereafter be provided by law, except as otherwise provided in this Act, shall prevail in the court hereby created and the judge thereof shall have the same power and authority including punishment for contempt as is or may hereafter be conferred upon judges of the circuit courts of this state, unless otherwise provided in this Act.

Said court shall have the same power over its judgments as the circuit courts of this State now have or hereafter shall have over their judgments.

Section 19. JURY TRIALS; EFFECT OF DEMAND FOR IN CERTAIN CASES. All civil cases originating in said court shall be tried by the court without a jury, except the defendant or claimant in any case involving more than \$250.00 and not arising under Chapter 3 of Title 31 of the Code of Alabama as now or as may hereafter be amended or recodified, and not being a case of unlawful detainer or forcible entry and detainer, may within the time allowed for pleadings, file with the clerk a written demand for trial by jury, and in criminal cases the defendant may endorse such demand upon his appearance bond at the time of making it or may file a written demand within fifteen (15) days after his arrest, whereupon the clerk shall at once transfer the case to the Circuit Court of Marshall County where it shall be placed upon the jury docket; provided, however, the following cases shall not be transferred to the Circuit Court of Marshall County upon a jury demand but shall stand for trial in the County Court of Marshall County and be appealable to the circuit court as provided by the general laws of the State of Alabama Proceedings under Article 3 of Chapter 4 of Title 34 of the Code of Alabama of 1940 as now or as may hereafter be amended or recodified, and proceedings under Chapter 2A of Title 27 of the Code of Alabama of 1940 as now or as may hereafter be amended or recodified.

Section 20. PROCEDURE FOR CIVIL CASES INVOLVING NOT MORE THAN \$250.00. In all civil cases originating in said court involving not more than \$250.00 on the following special rules of procedure shall govern (in cases of detinue, replevin and other actions involving chattels in specie, an averment in the complaint as to the value of the property in controversy shall govern the applicability of this section): (1) When the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service

perfected on him as required by law, he shall appear and plead, answer or demur thereto within fifteen (15) days, or be in default, and on motion of the plaintiff, judgment by default may be rendered against him at any time thereafter. (2) In all cases where a demurrer or other pleading is filed which does not require the taking of testimony the court shall proceed to rule upon the same at any time after filing and without notice to the parties or any formal submission; provided, however, either party may ex parte petition the court, either in writing or orally, to be heard on said pleading in which case the court may in its discretion set the same for hearing and give the opposing party or parties reasonable notice of the time therefor. Any party desiring to plead over after such ruling must do so within ten (10) days after receipt of notice of such ruling. (3) In all cases of judgment by default or nil dicit, execution garnishment, or other process for the collection thereof may issue immediately after the rendition of said judgment. (4) In all garnishments the garnishee shall have ten (10) days after service of the writ in which to answer and on failure to so answer within said time a conditional judgment shall be rendered against him to be made absolute unless he appears within ten (10) days after receipt of notice of the conditional judgment issued by the clerk to be served on him as other process. If he fails to appear within the time required by the notice served upon him, or if two notices be returned "not found" the judgment must be made absolute. (5) In all cases of garnishment it shall be sufficient notice to the defendant if a copy of the writ be served upon him together with an endorsement thereon by the Clerk that said writ has been or is in the process of being served on the garnishee. (6) Any party may appeal from a judgment rendered in the court herein created from any case arising under this section within ten (10) days of the rendition of the judgment by filing a bond with sufficient surety to be approved by the clerk payable to the adverse party with condition to pay such judgment as may be finally rendered against him in said cause. In all cases of appeal from a monetary judgment the amount of the bond shall be double the amount of the judgment rendered against the appellant, including the costs. In all other cases the bond shall be in such amount as may be fixed by the court. Said appeal shall lie to the Circuit Court of Marshall County for a trial de novo and the judgment appealed from shall be superseded during the pendency of the appeal.

Section 20A. SCHEDULE OF FEES AND COSTS IN CERTAIN CASES. The following schedule of fees and costs shall apply in the instances indicated in all civil cases originating in said court involving not more than \$250.00 and in actions for unlawful detainer and forcible entry and unlawful detainer and in proceedings under Chapter 3 of Title 31 of Code of Alabama

of 1940 as now written or as may hereafter be amended or recodified (in actions involving chattels in specie an averment in the complaint as to the value of the property shall govern the applicability of this Section):

CLERK'S FEES

Suits for \$100.00 or less, \$2.50.

Suits from \$100 to and including \$250, \$5.00.

Suits nor otherwise provided for, \$5.00.

Suits under Chapter 3 of Title 31, where no counter affidavit filed, \$2.50; where counter affidavit filed, \$5.00.

Forcible entry and unlawful detainer, \$5.00.

Garnishment, whether with summons or on judgment, .50.

Taking appeal bond, .50.

SHERIFF'S OR CONSTABLE'S FEES

Serving summons and complaint, \$1.50.

Levying attachment and return, \$2.50.

Seizing personal property, \$3.00.

Approving bond, .75.

Serving garnishee—writ, \$1.50.

Serving Sci. Fa. or notice, .75.

Serving subpoenas, each, .75.

Commissions on execution, 5%.

Executing writ of possession, \$5.00.

Mileage, each, .10.

OTHER COSTS

Trial Tax, \$1.50.

Section 20B. EXECUTION OF PROCESS. All summons, executions, writs, and other process issuing out of said court may be executed by any lawful officer of the State of Alabama now or hereafter authorized to execute process issuing out of any of the courts of this State.

Section 21. TRANSFER OF CAUSES. All cases on the non-jury docket and all cases on the Equity docket now or hereafter pending in the Circuit Court of Marshall County, over which the County Court of Marshall County could have exercised original jurisdiction, may, by agreement of the parties thereto, be transferred from the Circuit Court to the County Court of Marshall County. Likewise, all cases on the non-jury docket, and on the Equity docket now or hereafter pending in the County Court of Marshall County may by agreement of the parties thereto, be transferred from the County Court of Marshall County to the Circuit Court of Marshall County. Civil cases may be

transferred from the County Court of Marshall County to the Circuit Court in equity for the same reasons, in the same manner and under the same rules and regulations as is now provided for the transfer of causes from the law side of the Circuit Court to the equity side of said court.

Section 22. AFFIDAVITS AND WARRANTS. In addition to any other means of commencing prosecutions for misdemeanors authorized by the laws of Alabama, prosecutions for misdemeanors may be instituted in the County Court of Marshall County by making an affidavit before the Solicitor for the Circuit Court of Marshall County, or before the Deputy Solicitor of Marshall County; the writ on said affidavit to be issued by the solicitor taking such affidavit, and when the defendant is arrested on said affidavit, said case shall go on the docket for trial as herein provided.

Section 23. PROCEEDINGS TO DETERMINE PATERNITY OF ILLEGITIMATES. Said court shall have exclusive original jurisdiction of all proceedings to determine the paternity of illegitimate children under Chapter 2A of Title 27 of Code of Alabama 1940, as now or hereafter amended or recodified. Appeals taken from judgments rendered in such proceedings shall be to the Circuit Court of Marshall County and shall be governed by the provisions of said Chapter of said Title.

Section 24. JURISDICTION, MOTOR VEHICLE LAWS. That this court shall have original and exclusive jurisdiction of the prosecution of persons charged with driving motor vehicles upon the highways of this State while intoxicated or while an habitual user of narcotic drugs.

Section 25. PRELIMINARY PROCEEDINGS. The judge of said court shall also make examination of all matters or preliminary proceedings, as provided in Article 3 of Chapter 6 of Title 15 of the Code of Alabama, of 1940, arising in said county. No other court or officer shall have authority to hold preliminary hearings in said county, and in such preliminary proceedings the judge of the said court is required to have the testimony taken down in writing by the court reporter who shall then transcribe the testimony and certify to it as court reporters are required to do in Circuit Courts and have the compensation in such case for so taking and transcribing such testimony. When transcribed the original of such testimony shall be filed with the Clerk and become a part of the record in said cause and kept on file in the office of the Clerk.

All warrants charging the commission of a felony shall be issued by the Solicitor for the Circuit Court of Marshall County, or by the Deputy Solicitor of Marshall County.

Section 26. **SEARCH WARRANTS.** The Solicitor for the Circuit Court of Marshall County or the Deputy Solicitor of Marshall County, shall have authority to take affidavits and issue search warrants.

Section 27. **FORFEITURES, JUDGMENTS THEREON.** That if for any reason, a forfeiture be taken on any bond on the criminal side of said court, the court may order an alias capias, and unless the party or parties, against whom the forfeiture is taken, shall appear and show cause, when the forfeiture is returnable, why the forfeiture should be set aside, then the court is hereby authorized and empowered to make the judgment final, for all or such portion of said bond as in its judgment should be rendered thereon.

Section 28. **FINES AND FORFEITURES.** That all fines and forfeitures accruing from the prosecution and trial of criminal cases in this court shall be paid into the fine and forfeiture fund of Marshall County.

Section 29. **DOCKETS OF COURT.** The clerk of said court must, on the fifth day preceding the holding of any regular session of court as fixed in this act or as may be fixed by an order of the court properly entered of record on its minutes, prepare a docket of all criminal and civil cases pending in said court at that time and which will be heard, called, or tried at such next regular session of said court and must mail or deliver to each attorney of record in any case then pending in said court a copy of said docket at least five days preceding the holding of said session of said court, and he shall also mail or deliver to each member of the Bar of said county such docket at said time, and no case shall be called for trial or tried, over objection of any party to such case, unless this section of this act is complied with.

Section 30. **SUPPLIES.** That the clerk, with the approval of the judge of said court, is hereby authorized to purchase all necessary furnishings, records, stationery, and supplies for the equipment and maintenance of said court, and the same shall be paid out of the general funds of the County upon warrants drawn by the judge and signed by the clerk.

Section 31. **SOLICITOR OF COURT.** That the Solicitor of the Circuit Court of Marshall County shall be ex-officio solicitor of said court but shall receive no compensation therefor and said solicitor either individually or through the Deputy Solicitor of Marshall County shall represent the State in all criminal and quasi-criminal cases in said court.

Section 32. **SOLICITOR'S FEES, PLEA OF GUILTY.** That there shall be taxed and collected as cost in all criminal cases

in said court a Solicitor's fee which shall be in the same amount as now collected in Circuit Courts of this State in like cases, for the same offense and when collected shall be paid by the Clerk into the general funds of the County, and there shall be taxed and collected as costs on all misdemeanor cases in said court a solicitor's fee which shall be in the same amount as is now taxed and collected for misdemeanors in county courts of this State in like cases for the same offense and when collected shall by the Clerk be paid into the general funds of the County and the provisions of Section 86 of Title 11 of the Code of 1940 as amended shall apply; provided, however, that no solicitor's fees shall be taxed or created in any case in this court where the defendant is charged with violating the rules of the road or legal and reasonable rules or regulations governing the use of motor vehicles upon the public highways in this state or with the violation of the Game and Fish or rules and regulations of this state relating thereto, if the defendant pleads guilty in this court.

Section 33. ADDITIONAL SOLICITOR'S FEE. That there shall be taxed and collected as cost in all criminal cases in said court an additional Solicitor's fee of \$2.00 for the taking of affidavits and the issuance of writs of arrest. This fee shall be in addition to all fees, trial taxes, and court costs otherwise assessable in the court, and when collected shall be paid into the General fund of the County.

Section 34. SHERIFF: DUTIES, COMPENSATION. The Sheriff of Marshall County, Alabama, shall, in person or by a deputy or deputies appointed by him, be required to attend upon the said court, and preserve order, and execute all writs or process, and perform such other duties, in all respects as in the Circuit Courts of this State, and except as otherwise provided herein shall receive the same fees, commissions and compensation as allowed for like or similar services performed by sheriffs in the Circuit Court.

Section 35. COURT REPORTER. That the judge of said court shall by order spread upon the minutes appoint a competent person as the official reporter for said court who may also be the official reporter for the Circuit Court, and such official reporter, when so appointed, may be removed by the judge of said court at his discretion, and his qualifications, duties and powers shall be the same as are now provided by law for the reporters of the Circuit Courts of the state and he shall receive the same rate of compensation for transcribing the testimony or other proceedings as are now provided for said Circuit Court reporters, but shall as a salary receive Two Hundred Dollars per month payable out of the general funds of the County at the end of each month, his signed receipt being required. The services of said reporter when not actually working under the

direction of the judge of said court shall be available to the Solicitor in the discharge of his duties in this court. The judge of said court may appoint the official reporter of the Circuit Court of Marshall County as ex-officio reporter of the County Court of Marshall County, and when so appointed said reporter may be removed by the judge of said court at his discretion, and he shall receive the same compensation and salary as hereinabove provided for the official reporter of said court.

Section 36. **STENOGRAPHER'S FEE.** That in all cases in said court except cases from which an appeal lies to the Circuit Court of Marshall County, a stenographer's fee of one dollar and fifty cents shall be charged and collected and by the clerk paid into the general funds of the county.

Section 37. **SEALS OF COURT.** That the Judge of the County Court of Marshall County shall adopt a seal for the Equity side of the court, which shall be kept in the custody and under the control of the Register of the court, and also a seal for the Law side of the court, which shall be kept in the custody and under the control of the Clerk of the court.

Section 38. **FEES, COSTS, COMMISSIONS.** That fees, costs, commissions, mileage, per diem, and other compensation allowed to the officers and witnesses of this court, unless otherwise provided herein, shall be payable in the same manner, in the same amounts, and from the same funds as the same are now paid to such officer and witnesses for like services in the Circuit Courts.

Section 39. **TRIAL TAX.** That a fee of Three Dollars, in addition to the other cost, shall be taxed in each criminal or quasi criminal case against the defendant on conviction or against the prosecutor, if he should be taxed with the cost as provided by law, as a trial tax, and if not presently paid may be collected by execution or by sentence to hard labor and when collected shall be paid into the general funds of the County. That except as herein otherwise provided, a fee of Three Dollars, in addition to the other cost, shall be taxed in each civil case as a trial tax, the same to be collected as other costs taxed in said case and may be collected by execution and when collected shall be paid into the general funds of the County. All monies herein required to be paid into the general funds of the County shall be credited to the General Fund of said county.

Section 40. **LIMITATION OF COST.** That there shall be no trial tax collected and the cost of the Clerk and Sheriff shall not exceed the cost that a Justice of the Peace or arresting officer could tax and/or collect in Justice Court where the defendant in said case is charged with a misdemeanor committed within said county involving violation of the Game and Fish Laws and legal rules or regulations regulating the same, and of cases for

a misdemeanor involving the violation of the laws or legal rules of the road, except driving while intoxicated whether the rules of the road be a violation of the statutes or a legally adopted or promulgated rule and regulation governing the use of motor vehicles upon the public highways in this state, whether the defendant pleads guilty or not.

Section 41. APPELLATE PROCEDURE. Except as otherwise provided herein the Supreme Court and Court of Appeals of this State shall have appellate and supervisory jurisdiction over said court, and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State and the judges thereof, and except as otherwise herein provided appeals may be taken from the orders and judgments of said court to the Supreme Court and Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the Circuit Courts of the State. The Circuit Court shall also have such supervisory powers and jurisdiction in those cases wherein it is given appellate jurisdiction over said court.

Section 42. APPEALS, TRANSCRIPTS. That all laws and rules governing appeals, perfection of appeals, settling, signing and establishing bills of exceptions or transcripts of testimony in lieu of bills of exceptions on appeals to the Court of Appeals or the Supreme Court from the Circuit Courts in this State shall be applicable and apply to all appeals taken to the Court of Appeals or Supreme Court from this Court.

Section 43. REPEAL OF 1955 ACT. That the County Court of Marshall County, Alabama, as created by Act No. 346 as approved September 7, 1955, shall from and after the passage and approval of this Act no longer exist and no officers of this State shall collect any fees or salary because of said court or for services rendered in or to said court. All cases pending in said County Court of Marshall County when this Act becomes a Law, shall immediately become pending upon the docket of this court as though originally brought in said court, and shall be called for trial at which time any defendant whose case has been pending in said County Court of Marshall County may demand a trial by jury as herein provided. Said Act of 1955 is hereby repealed.

Section 44. LAWS REPEALED. That all laws, both local and general, in conflict of this Act, are hereby repealed.

Section 45. UNCONSTITUTIONALITY. That if for any reason any section, provision, or clause of this Act shall be held to be unconstitutional or invalid, then that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 46. EFFECTIVE DATE. That the provisions of this Act shall take effect from and after the approval thereof by the Governor or upon this Act otherwise becoming a law.

Approved May 31, 1963.

Time: 11:04 A. M.

Act No. 31

S. 13—Wilson

AN ACT

Relating to Walker County; changing the method of compensating the clerk of the circuit court of such county and providing for the operation of his office on a salary basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of Walker County shall hereafter be compensated on a salary basis. His salary shall be \$9,000 a year, payable from the general fund of the county in equal monthly installments at the end of each month. In addition to his salary, the clerk shall be entitled to the sum of \$4,800 per annum as a clerk-hire allowance, which shall also be payable from the general fund of the county.

Section 2. All fees, commissions, allowances, percentages, charges, and court costs heretofore collectible for the use of the clerk of the circuit court for the performance of the duties of his office shall be collected for the use of the county and shall be paid into the county treasury to the credit of the general fund of the county.

Section 3. The governing body of Walker County shall provide the clerk of the circuit court with the necessary quarters, books, stationery, office equipment, supplies, postage, and other conveniences and equipment necessary for the proper and efficient conduct of the affairs of his office. But the clerk shall appoint, and pay the compensation of, his assistants.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective on the first of the month next following the date of its enactment; however, the Act shall not affect rights and duties that matured and proceedings that were begun before its effective date.

Approved May 31, 1963.

Time: 11:10 A. M.

Act No. 32

S. J. R. 8—Cooper

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we learn with deep regret of the death of Mr. Taswell N. Allen, the father of our distinguished colleague, Senator Harlan G. Allen from Cullman, and we hereby extend our sincere sympathy to Senator Allen and the members of his family in this great loss.

Approved June 7, 1963.

Time: 11:09 A. M.

Act No. 33

S. J. R. 7—Robison (Montgomery), Nichols
and Hawkins

SENATE JOINT RESOLUTION

WHEREAS, Alabama Boys State is scheduled to meet in Montgomery, Alabama, on Thursday, June 6th, 1963; and

WHEREAS, the American Legion for many years has sponsored Alabama Boys State, and the session for this year is under the sponsorship of the American Legion; and

WHEREAS, Boys State is educational training for the youth of Alabama; and

WHEREAS, the American Legion has requested that the Senate Chamber and the House Chamber be made available for use by Alabama Boys State on Thursday, June 6th, 1963; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses concurring, that the Senate Chamber and House Chamber be made available on Thursday, June 6th, 1963, for use by Alabama Boys State in conducting their legislative proceedings.

Approved June 7, 1963.

Time: 11:10 A. M.

Act No. 34

S. 2—Gilchrist

AN ACT

To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Hartselle, in Morgan County, Alabama, be, and the same are, hereby extended so as to include, in addition to the territory now embraced therein, the following described property:

Beginning at a point on the south boundary line of Section 3, Township 7 South, Range 4 West, that is 389.69 feet east of the southwest corner of said Section 3 and run thence north a distance of 342 feet to a point; thence east a distance of 241.31 feet to a point; thence north a distance of 181 feet to a point; thence east a distance of 112 feet to a point; thence north a distance of 209 feet to a point in the center of a county road; thence west along the center of said county road to a point on the west boundary line of the SW $\frac{1}{4}$ of Section 3, Township 7 South, Range 4 West, thence north along the west boundary line of the SW $\frac{1}{4}$ of said Section 3 a distance of 601 feet to the northwest corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 7 South, Range 4 West, thence east along the north boundary line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ to a point on the east right-of-way line of U. S. Highway No. 31; thence in a northwesterly direction along the east right-of-way line of said U. S. Highway No. 31 a distance of 235 feet, more or less, to the northwest corner of the Frances H. Guyton property; thence North 71° 04' East a distance of 910.20 feet to a point on the west boundary line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ that is 491 feet north of the southwest corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence north along said west boundary line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ to the northwest corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence east along the north boundary line of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ to the southwest corner of the NE $\frac{1}{4}$ of Section 3, Township 7 South, Range 4 West; thence north along the west boundary line of said NE $\frac{1}{4}$ a distance of 2650.99 feet to the NW $\frac{1}{4}$ corner of said NE $\frac{1}{4}$; thence east along the north boundary line of Section 3, Township 7 South, Range 4 West a distance of 1064.7 feet; thence S 16° 45' E a distance of 343 feet to a point; thence S 3° 50' E a distance of 1098.5 feet to a point; thence S 81° 25' 30" W a distance of 200 feet to a point; thence S 3° 50' E a distance of 327.1 feet to a point on the west margin of the Old L & N Railroad right-of-way; thence in a southerly direction along the west margin of said Old L & N Railroad right-of-way to a point where said west margin intersects the east boundary line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 7 South, Range 4 West, thence south along the east boundary line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ to the Southeast corner of said quarter-quarter; thence west along the south boundary of Section 3, Township 7 South, Range 4 West to the point of beginning. All in Section 3, Township 7 South, Range 4 West, Morgan County, Alabama.

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved June 7, 1963.

Time: 11:12 A. M.

Act No. 35

S. 34—Reynolds and Hornsby

AN ACT

To encourage and promote medical and scientific research and the establishment of medical research facilities, and the development of scientific research devices, by exempting certain activities, persons, organizations, and properties from building and zoning restrictions, permits, and fees, and public health and sanitary inspection fees, charges, and limitations, in all counties having populations of not less than 150,000 nor more than 300,000, or in any contiguous county.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census, and in all counties contiguous to any such county.

Section 2. The Legislature of Alabama finds and declares that in certain populous areas of the state there are present now, and will continue to be present for a long time to come, conditions favorable to the development of medical research facilities, and it is in the public interest to encourage and promote medical and scientific research in such areas, the establishment of medical research hospitals, medical centers, research centers, and related or allied facilities, and the development of scientific research devices therein. Therefore, this Act shall be liberally construed to effectuate such purpose.

Section 3. Any person, association of persons, or corporation engaged in the operation or establishment of any hospital, medical center, research center, clinic, or other like facility where medical research is carried on as a primary objective, on a non-profit basis, together with all lands, buildings, structures, and appurtenances thereto that are devoted to such uses and purpose, are hereby exempted from such state, municipal, or county building and zoning restrictions, permits, or fees as may be imposed by statute, ordinance, or rule or regulation adopted by any governmental administrative agency, and shall likewise be exempt from all state or municipal public health and sanitary inspection fees, permit charges or requirements, and other limitations which would be otherwise applicable to the activities engaged in but for the provisions of this Act.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 7, 1963.

Time: 11:00 A. M.

Act No. 36

S. 88—Roberts

AN ACT

To provide for the relief of Mrs. Marilyn Stewart Drake; to authorize and direct the governing body of the City of Huntsville in Madison County to pay to said Mrs. Drake the sum of five thousand dollars (\$5,000) to compensate her for the death of her husband who was killed in the course of his employment by the city.

Be It Enacted by the Legislature of Alabama:

Section. 1. The governing body of the City of Huntsville in Madison County is hereby authorized and directed to pay out of any funds in the city treasury not otherwise appropriated the sum of five thousand dollars (\$5,000) to Mrs. Marilyn Stewart Drake to compensate her for the death of her husband, Charles E. Drake, Jr., who was killed on July 23, 1962, while performing his duties as a police officer for the City of Huntsville.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 7, 1963.

Time: 11:01 A. M.

Act No. 37 H. J. R. 38—Goodwyn, Pierce, Little, Goldthwaite

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That we express hereby our warm thanks to the members and officers of the Association of Retail Furniture Dealers for the delightful entertainment provided us on Tuesday evening, and cite them for their gracious hospitality and pleasing cordiality.

RESOLVED FURTHER, That copies of this resolution shall be sent by the Clerk to the president and executive secretary of the Association.

Approved June 7, 1963.

Time: 11:02 A. M.

Act No. 38 H. J. R. 39—Goodwyn, Pierce, Little, Goldthwaite

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That we take great pleasure in tendering our warm thanks to the members and officers of the Mobile Area Chamber of Commerce and to the distinguished members of the Mobile

County delegation for the delightful and enjoyable seafood dinner provided us on Thursday evening, May 23, and cite them for their generous hospitality and genial cordiality.

RESOLVED FURTHER, That copies of this resolution shall be sent by the Clerk to the president and executive secretary of the Mobile Area Chamber of Commerce.

Approved June 7, 1963.

Time: 11:03 A. M.

Act No. 39 H. J. R. 40—Callahan, Camp, Sullivan, Beville,
Campbell (Tuscaloosa), Brown
(Tuscaloosa), Vacca

HOUSE JOINT RESOLUTION

WHEREAS the Civitan Foundation for Mentally Retarded and Handicapped Children has been concerned with the need to provide prevocational training for teenage and young adult mentally retarded residents at Partlow State School and Hospital, and

WHEREAS the Civitan Foundation for Mentally Retarded and Handicapped Children has completed a project of raising \$30,000 with which to match federal funds to build and equip a prevocational training facility at Partlow State School and Hospital so that many of the young residents can be trained to return to their own community and accept employment,

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both houses concurring, that the Alabama Legislature does hereby commend the Civitan Foundation for Mentally Retarded and Handicapped Children and express the deep appreciation and heartfelt gratitude of the people of Alabama to the Foundation and the thousands of members of Civitan Clubs throughout the state for the energy and diligence they have devoted to the successful completion of their project,

BE IT FURTHER RESOLVED that the President of the Civitan Foundation for Mentally Retarded and Handicapped Children, Mr. John R. Gordon, and the Board of Directors be congratulated for the leadership which they have given to provide new opportunities for many retarded children, and the interest they have stimulated among Civitan Clubs in Alabama to open new doors to mentally retarded children in our state,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President and members of the Board of Directors of the Civitan Foundation for Mentally Retarded and Handicapped Children and to the Central Office of Civitan International in Birmingham, Alabama.

Approved June 7, 1963.

Time: 11:05 A. M.

HOUSE JOINT RESOLUTION

WHEREAS, the work of volunteer emergency rescue squads are sometimes heroic, often laborious, self-sacrificing in time and personal resources and frequently unheralded and without recompense except for the great personal satisfaction that comes from giving to others of ones self without regard to reward or gain; and

WHEREAS, on Saturday, May 18, 1963, a Negro boy, age ten, was drowned while fishing with his parents near Leesburg bridge in Cherokee County and since the Cherokee Rescue Squad responded immediately to the call for assistance in searching for the body and was joined the next day by the Etowah and Anniston Emergency and Rescue Squads with the search continuing throughout the following week during which both the Cherokee and Etowah squads dragged and searched visually for the body and continued their search on into Sunday when at approximately 7:15 A. M. the body was discovered concluding an eight day search in which the Cherokee Squad alone consumed over 250 gallons of gasoline, devoted over 2,000 man hours, and contributed the use of hundreds of dollars of equipment for the sole purpose of assuaging the grief of the distraught parents of a young Negro boy; and

WHEREAS, the Cherokee County rescue squad, like other splendid organizations of this type, is composed entirely of volunteers who gladly give of time lost from jobs, the use of their equipment including radios, gasoline, uniforms, and devote long and arduous hours to the cause of any person or group in need of their services without regard to race, creed, or color and in keeping with the highest Christian ethic and the great traditions of the people of this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Cherokee Rescue Squad and the Etowah and the Anniston Emergency or Rescue Squads and express our feeling of pride in the inspiring example of their selfless dedication to the splendid purposes of their organizations as so eloquently attested to in their tireless efforts on behalf of the parents of Orlando Taylor.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the headquarters of the Cherokee Rescue Squad and of the Etowah and Anniston Emergency Squads.

Approved June 7, 1963.

Time: 11:06 A. M.

HOUSE JOINT RESOLUTION

WHEREAS, Federal District Judge H. H. Grooms has ordered the University of Alabama to enroll certain Negro students under penalty of the full coercive powers of the federal courts, including citations for civil and penal contempt, arrest, fines, and imprisonment, thereby asserting the claim to power in the federal courts to force social reforms contrary to the wishes of the people of a state; and

WHEREAS, Governor George C. Wallace, in his elective capacity as the highest constitutional officer of this state, representing the sovereign powers reserved and guaranteed to the people in the Bill of Rights, has declared that he will be present at the University of Alabama to bar the entrance of any Negro who has been ordered to be enrolled at the University and thereby interpose constitutional questions not heretofore raised or decided; and

WHEREAS, there is no constitutional authority for the Congress or the executive branch of the federal government or the federal judiciary to control local schools, colleges and universities and never before in the history of this nation has the federal judiciary asserted power to initiate, execute, and administer social reforms based upon ephemeral and transitory psychological dogmas and sociological theory; and

WHEREAS, the power thus asserted by the federal judiciary is revolutionary in concept in that it negates fundamental powers reserved in the people and in the states and guaranteed to them in the Bill of Rights; in that it repudiates the doctrine of separation of powers; in that it is based upon a usurpation of power in the one non-elective branch of our federal government to amend and to nullify constitutional guarantees by judicial interpretation and decree rather than by constitutional amendment as provided for in the federal constitution; and

WHEREAS, responsibility for the administration of the revolutionary powers claimed by the federal judiciary is placed in the hands of hundreds of federal district judges, all appointed to office for life, and each empowered to exercise tyrannical control of local schools and other local democratic institutions of the people; and

WHEREAS, such powers, if unchecked by firm resistance of the people and their elective officers and representatives will establish firmly in this nation a judicial oligarchy of unlimited power, free to exercise the doctrine of infallibility in areas beyond

the law in which they have no claimed competency by reason of education, training, or experience; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in view of the profound constitutional questions presented by the decree of the court and the determination of Governor Wallace to test and to resist the asserted powers of the non-elective branch of the federal government; and in view of the tremendous importance of the issue to all persons who believe in the constitutional relationship of the supremacy of the people and subservience of their government, we therefore commend Governor Wallace for his firm resolve and assure him of the full support of the Alabama Legislature and of the vast majority of the people of this state in his effort to maintain the integrity of the constitutional guarantees to the people upon which is founded our constitutional system of federal government and upon which its survival depends. Be it further resolved that the Legislature of Alabama recommends that the constitutional questions presented herein should continue to be challenged in the courts by the Governor, that the vast majority of the people of Alabama believe in the preservation of law and order and that the legislature of Alabama does abhor violence and mob rule and hereby request all of the citizens of Alabama to leave the challenging of the issues herein presented in the hands of the Governor and we hereby express our confidence in Governor Wallace.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama Congressional delegation, to President John F. Kennedy, to the U. S. Attorney General, Robert Kennedy, and to the Attorney General of the State of Alabama.

Approved June 7, 1963.
Time: 11:08 A. M.

Act No. 42

H. 144—Edwards (Escambia)

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

The Legislature may from time to time, by general or local laws applicable to or operative in Escambia County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Escambia County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House May 21, 1963.

Passed the Senate June 18, 1963.

Act No. 43

H. J. R. 50—Nettles, Doggett, Jones
(Monroe), Daniel

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the subordinate officers and Clerks of the House and Senate be allowed Two Dollars (\$2.00) per day in addition to that now allowed for such positions.

Approved June 21, 1963.

Time: 2:50 P. M.

Act No. 44

H. 29—Edwards (Escambia)

AN ACT

To prescribe qualifications for the office of coroner of Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. No person shall be eligible for election to the office of coroner of Escambia County or be qualified to serve therein unless he is authorized lawfully to engage in the profession or occupation of mortician, medical technician, registered nurse, physician or surgeon, or holds a certificate from a four year college showing that he is a graduate thereof with specialization in science.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective upon the expiration of the incumbent coroner of Escambia County.

Approved June 25, 1963.
Time: 12:30 P. M.

Act No. 45

H. 30—Edwards (Escambia)

AN ACT

To provide for branch banking in Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this Act any established bank which is authorized to do a general banking business in Escambia County may, with the written consent of the State Superintendent of Banks, open, establish, and operate a branch bank, branch office, or place for doing a banking business anywhere within said county, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1963.
Time: 12:18 P. M.

Act No. 46

H. J. R. 43—Turnham

HOUSE JOINT RESOLUTION

WHEREAS, the success of a democracy such as America's depends on the industry, initiative, vision, and integrity of its citizens; and

WHEREAS, the family is the basic unit of our society and our American civilization is deeply rooted in the homes of this Nation, for here the abilities, talents, character and stamina of tomorrow's citizens are developed and molded; and

WHEREAS, the Future Homemakers of America is an organization of high school home economics pupils devoted to improvement of home and family living, which numbers among its many worthwhile purposes, training for worthy home membership, cultivation of democracy in home and community life, the development of creative leadership in home and community life and the promotions of international good will; and

WHEREAS, Miss Jane Eden, a student in the Auburn High School, is President of the Alabama State Association of Future Homemakers of America and in such position is providing excellent leadership for her fellow members of F. H. A.; and

WHEREAS, the potential contribution of this organization to the future progress of this country is immeasurable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the excellent program sponsored by the Future Homemakers of America, and commend this organization for the thorough manner that love of home and an appreciation of the duties and obligations of family, community and world citizenship are instilled in the youthful members of this fine organization, to the end that Alabama and the rest of the United States will move steadily on, as the F. H. A. motto says, "Toward New Horizons."

BE IT FURTHER RESOLVED that we congratulate Miss Jane Eden on her election as president of this organization and commend her for the active part she has taken in its splendid work, and the capable manner in which she is handling the duties of her office as State President of the Future Homemakers of America. We appreciate her interest in and concern for the future citizens of Alabama.

Approved June 25, 1963.

Time: 10:52 A. M.

Act No. 47

H. J. R. 45—Davis

HOUSE JOINT RESOLUTION

WHEREAS, the ever increasing magnitude and complexity of state government resulting from the phenomenal growth of state services in recent years has focused attention on and emphasized the importance in the overall legislative processes of an effective legislative agency for research and technical assistance in broad and often complex areas of legislative interest and concern and since the Alabama Legislature was one of the first states to recognize the need of such services and has today a highly efficient Legislative Reference Service under the able direction of Charles M. Cooper; and

WHEREAS, "Charlie" Cooper has been identified with the Alabama Legislative Reference Service since its inception in September 1945 and has served as its director since July 30, 1947, and is recognized in the national organization of Legislative Service Agencies as one of its most experienced and competent state directors whose advice and counsel is frequently sought by reason of his singular perception and grasp of the complex legislative problems and by reason of his demonstrated administrative ability in the organization and supervision of highly technical legislative services; and

WHEREAS, the long tenure of Charlie Cooper as director of the Legislative Reference Service has been characterized by a notable sense of complete dedication reflected in long and arduous hours at his desk far beyond the call of duty and normal expectations, which fact, together with a voluminous knowledge of law and legislation, blended with a great capacity for friendship, has combined to make available to members of the Alabama Legislature throughout the years a trusted confidant and friend from whom wise and judicious counsel and most effective technical assistance has been ever available; and in acknowledgment of, and in grateful appreciation of these services; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, THE HOUSE AND SENATE CONCURRING, That there be prepared an appropriate plaque for presentation to Charles M. Cooper which shall be inscribed as follows:

Presented
By
The Alabama Legislature
To
Charles M. Cooper, Director
Legislative Reference Service

In
Appreciation of Extraordinary
Dedication, Professional Competence, and Judicious Counsel
In the Service of
The Alabama Legislature and the People of this State
Approved June 25, 1963.
Time: 10:53 A. M.

Act No. 48

H. J. R. 46—Camp

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the two Houses meet in Joint Session at 12:30 P.M., for the purpose of hearing an address by Dr. Edward R. Annis, of Miami, Florida, President-Elect of the American Medical Association.

AND BE IT FURTHER RESOLVED that a Committee of five, three to be named by the Speaker of the House and two to be named by the Presiding Officer of the Senate to escort Dr. Annis to the House Chamber for this address.

Approved June 25, 1963.
Time: 11:00 A. M.

Act No. 49

H. J. R. 41—Meade

HOUSE JOINT RESOLUTION

WHEREAS, Cherokee County and the State of Alabama has lost the services of a distinguished public servant in the recent death of John H. Garrett, who for twenty-seven years served the people of Cherokee County as a member of its governing body, both as President of the Court of County Commissioners and as President of the Board of Revenue, and who, in recognition of his outstanding contributions to good government, was honored by election to the office of President of the Association of County Commissioners of Alabama; and

WHEREAS, John H. Garrett has left a heritage of good works and countless friends and co-workers who will miss his presence with a feeling of sadness and great personal loss but who will remember him and his good works with a feeling of affection and gratitude; and

WHEREAS, the life of John H. Garrett represents a splendid example of that body of fine men who dedicate their great talents and energies to the high calling of public service and through

their dedication and tireless effort help build our communities and our state into a better place in which to live; now therefore **BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE AND SENATE CONCURRING**, That we mourn the passing of John H. Garrett and pay our respect to his memory and extend this expression of condolence to the members of his immediate family on the occasion of their great loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. John H. Garrett, and to the county governing body of Cherokee County.

Approved June 25, 1963.
Time: 11:05 A. M.

Act No. 50

H. J. R. 48—Nabors

HOUSE JOINT RESOLUTION

WHEREAS, Bob Farrell, a columnist and executive vice-president of "The Brooklyn Eagle", a daily newspaper published in Brooklyn, New York, in his column on May 3, 1963, exhibited a glaring example of the loathing and hate-mongering of the Northern press for the South by including a vicious parade of lies about the citizens and institutions of the cities of Gadsden and Dothan, Alabama.

WHEREAS, the column contains incontrovertible evidence within itself of the untruth of its assertions and charges, an example of which is as follows; "I didn't know William L. Moore but I do know Gasden, Ala., as I do know parts of the deep south, I was stationed there in 1942 and 1943. I know that the town of Gasden is bigoted, backward and very corrupt one. The army camp that was feeding me was Camp Rucker. It was just outside of Gasden, about 10 miles away"; and

WHEREAS, it appears that if indeed Farrell was ever stationed in Alabama it was at Camp Rucker, near Dothan, Alabama, more than 200 miles from Gadsden, Alabama; and

WHEREAS, the writing and publishing of columns containing outrageous and obvious lies represent the lowest form of journalism, and such purveyors of hate and malice against a city, a state or a region can only serve the interests of the enemies of our nation; and

WHEREAS, this maligning of two of the finest cities in the State of Alabama was brought to the attention of the people of this state in the June 2, 1963 issue of "The Gadsden Times"; and

NOW THEREFORE BE IT RESOLVED that the Legislature of the State of Alabama, the House and Senate concurring, that "The Brooklyn Eagle" be informed of the malicious lies published in a column of its May 3, 1963 issue of its newspaper by its Executive Vice-President, Bob Farrell, and that it be and hereby is called upon to retract such lies in a prominent place in an immediate future issue of its newspaper; and

Be it further resolved that the Legislature of the State of Alabama calls upon the publishers of Northern newspapers and magazines to fairly and honestly report news and events without rancor or malice as is required in keeping with the best tradition of a free and uncontrolled press; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Mayor of the City of Gadsden, the Mayor of the City of Dothan, the publisher of "The Gadsden Times" and the publisher of "The Brooklyn Eagle".

Approved June 25, 1963.

Time: 2:25 P. M.

Act No. 51

H. J. R. 49—Edwards (Escambia)

HOUSE JOINT RESOLUTION

WHEREAS his Excellency, the Governor of Alabama, under trying circumstances and harrowing conditions, in hostile surroundings, gave a poised and dignified performance in his appearance on "Meet the Press," confuting his interrogators with sound arguments and reasonable statements of fact, and presenting for the first time to a national audience, in marvelous fashion, clearly and without equivocation, the point of view of a majority of the people of this state on one of the most vital issues of the day; now therefore,

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That we enthusiastically and whole-heartedly commend the Governor on his masterful showing, which reflected so much credit on himself and the high office he holds.

Approved June 25, 1963.

Time: 11:07 A. M.

Act No. 52

H. J. R. 51—Thomas

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That we take great pleasure in extending our warmest thanks to the Birmingham Chamber of Commerce and to the distinguish-

ed members of the Jefferson County Delegation for the delightful and enjoyable "Dixieland Supper" on Thursday evening, June 6, 1963, and cite them for their generous hospitality and genial cordiality.

RESOLVED FURTHER, That copies of this resolution shall be sent by the Clerk to the president and executive secretary of the Birmingham Chamber of Commerce.

Approved June 25, 1963.

Time: 11:10 A. M.

Act No. 53

H. J. R. 52—Campbell

HOUSE JOINT RESOLUTION

WHEREAS, with the death of the Honorable John Milton Snodgrass on June 1, 1963, the state is bereft of a beloved public servant, and able judge, and a distinguished former member of the House; and

WHEREAS, Judge Snodgrass served his country as captain in the armed forces during World War I, represented his county with distinction in this body for three terms, and for the past fourteen years has served with dignity, understanding, and untiring energy as Judge of the Ninth Judicial Circuit; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we hereby express our deep regret at the loss of an outstanding citizen and extend our sincere sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED, That the Clerk of the House shall send copies of this resolution to the family of Judge Snodgrass.

Approved June 25, 1963.

Time: 11:15 A. M.

Act No. 54

H. J. R. 53—McCorquodale

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That we do hereby consent and agree that the Senate Chamber and the Hall of the House of Representatives shall be reserved for use by that splendid organization, The American Legion Girls' State, all day on Thursday, June 13, and that no committee meetings or meetings of persons other than Girls' State shall be held therein on such date.

Approved June 25, 1963.

Time: 11:20 A. M.

Act No. 55

S. 51—Carter

AN ACT

To regulate the compensation and allowances of the superintendent of education of Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of Marshall County shall receive an annual salary of nine thousand dollars (\$9,000). Such salary shall be payable in equal monthly installments upon the order of the county board of education out of the public school funds of the county. In addition to his salary the county superintendent of education shall also be provided a travel and other expense allowance of two hundred dollars per month, which shall be paid in the manner prescribed by the county board of education out of any funds available to the board for such purpose.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1963.

Time: 12:00 noon.

Act No. 56

S. J. R. 13—Nichols

SENATE JOINT RESOLUTION

WHEREAS, the federal courts have decreed that the doors of the University of Alabama shall be opened to members of the Negro race, state laws, habits, and customs notwithstanding; and

WHEREAS, Governor George Wallace, a man of unquestionable integrity and vast courage, has offered himself in his official capacity as a symbol of state sovereignty in opposing this decree, which is considered by many to be the peak of ever-increasing federal encroachments on state's rights; and

WHEREAS, Governor Wallace, not for one moment forgetting that he is the governor of all the people of this state, both black and white, has promised that law and order will prevail, and has urged that all people without business at the University stay away; and

WHEREAS, the eyes of the people, not only of Alabama, but of the nation and of the world will be on the University of Alabama on the fateful day of June 11; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, that this body offers its well wishes and prayers for Governor Wallace in this most critical hour, and that it invokes divine guidance for him to the end that he may on this occasion so conduct himself as to bring credit to himself, to all the people of Alabama, and that peace and tranquility may prevail.

Approved June 25, 1963.

Time: 11:25 A. M.

Act No. 57

S. J. R. 12—Gilchrist

SENATE JOINT RESOLUTION

WHEREAS, the annual Alabama Boys State program under the auspices of the American Legion provides hundreds of outstanding youth from throughout the state invaluable insight into the operation and functions of state and local governments and thus contributes greatly to the training and development of our future leaders, and

WHEREAS, the election of a Governor after an intensive campaign waged by exceptionally outstanding candidates represents a climactic and crowning achievement to the program and attests to the leadership, popularity, intelligence, organizational ability and perseverance of the successful candidate and thus represents a truly commendable accomplishment, and

WHEREAS, Mike Simpson, an outstanding athlete, scholar, and student leader of Morgan County High School was elected Governor from an imposing field of exceptionally fine candidates and has thus reflected great credit upon himself, his school, and community and has earned the plaudits and best wishes of the 425 delegates to Boys State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE AND SENATE CONCURRING, That we heartily commend and congratulate Mike Simpson on the high honor of election to the office of Governor of Boys State and extend our best wishes for his future success in all undertakings.

BE IT FURTHER RESOLVED, That we express our appreciation to the American Legion for their support and sponsorship of the Alabama Boys State program and that a copy of this resolution be sent to Mike Simpson, to the principal of Morgan County High School and to the State Commander of the Alabama District of the American Legion.

Approved June 25, 1963.

Time: 11:25 A. M.

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Eufaula, in Barbour County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries and corporate limits of the City of Eufaula, in Barbour County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits and of said City all of the following described territory, lying and being in Barbour County, Alabama, viz:

Section 26, West of the Georgia State Line, Township 11, Range 29. Section 27, West of the Georgia State Line, Township 11, Range 29. Section 28 lying East of Chewalla Creek, Township 11, Range 29. The East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$), the East Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) lying North of Chewalla Creek, the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) lying North of Chewalla Creek, Section 29, Township 11, Range 29. Section 30, Township 11, Range 29. The North Half ($N\frac{1}{2}$) of Section 31, Township 11, Range 29. The Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), lying West of Chewalla Creek. Section 32, Township 11, Range 29. Section 33, lying East of Chewalla Creek to the Georgia State Line, Township 11, Range 29. Section 34 to the Georgia State Line, Township 11, Range 29.

The West Half of Section 6, Township 10, Range 29. The West Half ($W\frac{1}{2}$) of Section 7, Township 10, Range 29. The East Half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$), the East Half ($E\frac{1}{2}$), Section 8, Township 10, Range 29. Section 9 to the Georgia State line, Township 10, Range 29. The Northwest Quarter ($NW\frac{1}{4}$) to the Georgia State line, the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) to the Georgia State line, Section 16, Township 10, Range 29. The Northeast Quarter ($NE\frac{1}{4}$), the North Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$), the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), the South Half ($S\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$), Section 17, Township 10, Range 29. The South Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$), the North Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$), the Northwest Quarter ($NW\frac{1}{4}$), the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$), Section 18, Township 10, Range 29.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1963.
Time: 12:05 P. M.

Act No. 59

S. 60—Clark

AN ACT

Relating to Barbour County; to authorize the appointment of two jailers by the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Barbour County may employ two jailers to serve at its pleasure. Each jailer so employed shall receive a salary, to be fixed by the county governing body, of not less than one dollar (\$1) and not more than two hundred forty dollars (\$240) per month, payable out of the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1963.
Time: 12:05 P. M.

Act No. 60

S. J. R. 17—Clark

SENATE JOINT RESOLUTION

WHEREAS, the Walter F. George Lock and Dam at Fort Gaines, Georgia, has inundated lands to form a reservoir and lake covering large areas of the rich Chattahoochee Valley in the heartland of the once great Creek Indian nation, the Eufaula tribe of which had occupied the immediate area as its own domain and hunting ground for centuries and in which they had built many villages, including the Indian town of Eufaula from which the present city of Eufaula took its name; and,

WHEREAS, the area is rich in Indian tradition and lore and everywhere manifests the bounty of nature in rich lands, abundant water, mild climate, and wooded terrain which made it cherished by the Eufaula Indians and which for the same reasons has made it cherished by the present inhabitants of the area who are now striving to create a magnificent lake paradise for sportsmen and nature enthusiasts and in this manner perpetuate the memory and historic lore of the tribe Eufaula; and,

WHEREAS, Governor George C. Wallace; Senators Lister Hill and John Sparkman; and Congressmen George Andrews, Carl Elliott, George Grant, George Huddleston, Jr., R. E. (Bob) Jones, Jr., Albert Rains, Kenneth A. Roberts, and Armistead I Selden, Jr. have each endorsed the name "Lake Eufaula" as suitable and appropriate; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the lake formed by the waters of the Walter F. George Lock and Dam shall be designated and named "Lake Eufaula," and that the state highway department determine suitable locations and appropriate wording for signs which shall be erected by the state highway department on all public roads leading to Lake Eufaula, indicating the designation herein made.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the individual members of the Alabama Congressional delegation, to the county governing body of Barbour County and to the mayor of the city of Eufaula.

Approved June 25, 1963.

Time: 11:26 A. M.

Act No. 61

S. J. R. 16—McDow

SENATE JOINT RESOLUTION

WHEREAS, Dr. Howard M. Phillips terminated his service as President of Alabama College at Montevallo on June 1, 1963 in order to assume the presidency of Birmingham Southern College; and

WHEREAS, Dr. Phillips has served the interests of higher education in Alabama and the South with energetic and intelligent leadership, and through his service and international prestige has brought favorable recognition not only to Alabama College, but to the South and to the Nation; and

WHEREAS, since assuming the presidency of Alabama College, he also has served as executive-secretary of the Southern University Conference; chairman of the Committee on Standards 15 and 21 of the Southern Association of Colleges and Schools; chairman of the Alabama Committee on Nuclear Energy Studies; member of the board of directors of the Birmingham Symphony Orchestra; president of the Association of Alabama College Administrators; chairman of the Committee on Admissions: Senior Colleges of the Southern Association of Colleges and Schools; and president of the Executive Committee of the Division of Higher Education of the Alabama Education Association; and

WHEREAS, under Dr. Phillips' progressive leadership, enrollment at Alabama College has more than tripled, and the position of the college has advanced to one of prestige and recognition throughout the Nation; and

WHEREAS, the devoted service and vast achievements of this educator and administrator has added dignity and prestige to the teaching profession, and has contributed immeasurably to the advancement of education and the enrichment of the social, cultural, and economic lives of the people of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING: That this body expresses the sense of grateful appreciation felt by all the citizens of Alabama for Dr. Phillips' great services to our state, and wishes for him the fullest measure of continued success in his new assignment.

BE IT FURTHER RESOLVED That copies of this resolution by mailed to Dr. Phillips and to the chairman of the Alabama College Board of Trustees.

Approved June 25, 1963.

Time: 11:30 A. M.

Act No. 62 S. J. R. 15—Tyson and Robison (Montgomery)

SENATE JOINT RESOLUTION

WHEREAS Pitt Tyson Maner, beloved native of Montgomery, long time Democratic and civic leader, and public servant passed away at his home on June 12th, 1963; and

WHEREAS Mr. Maner, not only by his personal charm and sweetness of character but also by his loyalty and devotion, numbered his friends by the thousands; and

WHEREAS Mr. Maner, son of families long prominent in Alabama, his mother being Mrs. Sallie Tyson Maner and his father the late Olin Conner Maner who was a practicing Montgomery attorney for more than fifty years, held in his own right a long record of public service including delegate or alternate delegate to Democratic conventions since 1932, President of the Young Democrats of America in 1937, executive-secretary to Governor Bibb Graves during two administrations, nominee for vice president of the United States in 1956, director of the Alabama Department of Industrial Relations, and Alabama director of the Department of Civil Defense; and

WHEREAS Mr. Maner was affiliated with the Methodist Church, was a Mason, a Shriner, an Elk, and an ardent sportsman, among whose groups he was an active participant contributing much in his varied interests; and

WHEREAS Mr. Maner is survived by his son, Pitt Tyson Maner, Jr., and a grandson Pitt Maner III of Tallahassee, Florida, and his mother Mrs. Sallie Tyson Maner of Montgomery; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature expresses its deepest sorrow at the passing of Pitt Tyson Maner, beloved friend and public servant, and extends its sincerest sympathy to his family.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the family of Mr. Maner.

Approved June 25, 1963.

Time: 11:50 A. M.

Act No. 63

H. 129—Doggett

AN ACT

To repeal Act No. 269, H. 256, Regular Session 1961 (Acts 1961, p. 289), an act which authorizes the levy of sales and use taxes in Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 269, H. 256, Regular Session 1961 (Acts 1961, p. 289), "An Act To provide additional revenue for educational purposes in Choctaw County; authorizing the court of county commissioners, board of revenue, or like county governing body, to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue," is hereby repealed. The levy of such taxes is likewise repealed.

Section 2. All the provisions of said Act No. 269 pertaining to payment and collection of the taxes levied therein, the making of reports and maintenance of records with respect thereto, and in general the enforcement of said act shall continue to be effective with respect to the taxes therein levied that shall have accrued thereunder before the effective date of this Act.

Section 3. This Act shall become effective on the date that the general rate of the state tax imposed upon persons engaged in the business of selling tangible personal property at retail is increased by as much as one percent.

Approved June 26, 1963.

Time: 3:45 P. M.

Act No. 64

H. 138—Turner (Crenshaw)

AN ACT

To provide for the compensation and travel expenses of the county superintendent of education in counties having a population of not less than 14,875 nor more than 15,200 inhabitants, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The superintendent of education of any county having a population of not less than 14,875 nor more than 15,200 inhabitants, according to the 1960 or any subsequent federal decennial census, shall receive a salary of not more than eight thousand dollars (\$8,000.00) per annum, payable in equal monthly installments. Such superintendent of education shall also receive an allowance not to exceed one thousand dollars (\$1,000.00) per annum as reimbursement for travel expenses incurred in the performance of his duties. The exact amount of such salary and expense allowance shall be fixed by the board of education of any such county, and shall be paid out of the public school funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1963.

Time: 3:47 P. M.

Act No. 65

H. 467—Pruitt

AN ACT

Proposing an amendment to the Constitution of Alabama relating to York in Sumter County, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid when approved and proclaimed as provided by law:

Proposed Amendment

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, the municipality of York in Sumter County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality of York, or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the municipality of York in Sumter County, or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the municipality of York in Sumter County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality of York in Sumter County for the purpose of determining the borrowing capacity of the county under Section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in Section 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. The municipality of York in Sumter County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which

proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed The House, June 18, 1963.

Passed the Senate, June 25, 1963.

Act No. 66

H. 470—Fite

AN ACT

To make an additional appropriation for payment of expenses of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of Two Hundred Fifty Thousand dollars (\$250,000.00) is hereby appropriated from any funds in the State Treasury not otherwise appropriated for the payment of the expenses of the Legislature. The appropriation herein made is in addition to all other appropriations heretofore made for the purpose herein stated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 2:30 P. M.

Act No. 67

H. 124—Thomas, Hannah, Hain, Nettles, Steagall, Bassett, Cooper, Crawford, Jones (Monroe), Turnham, Holladay, Merrill, Young, Snell, Collins, Nabors, Powell, Burnham, Teel

AN ACT

To amend further Code of Alabama 1940, Title 51, Section 788, which relates to the levy of the state use tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 788, as amended, is amended further to read as follows:

“Section 788. (a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property (not including, however, materials and supplies

bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail on or after the first day of July 1963, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property, except as provided in subsections (b) and (c).

“(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after July 1, 1963, at the rate of one and one-half percent of the sales price of any such machine; provided, that the term ‘machines’, as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automobile vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after July 1, 1963, for storage, use or other consumption in this state at the rate of one and one-half percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automobile vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

“Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, however, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of Section 791 of this title, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.”

Section 2. Any contractor who before the date of this enactment became obligated to furnish at a fixed price any materials, equipment, or supplies in the performance of such contract shall

be entitled to a refund of one-fourth of all state sales taxes paid by him in respect of the purchase of materials, equipment, and supplies actually used and consumed on or after July 1 and before October 1, 1963, in the performance of the contract. The refund shall be made under such reasonable rules and regulations as the commissioner of revenue may prescribe, after the claimant has established by evidence satisfactory to the commissioner that he is lawfully entitled thereto. Claims for refunds must be made within 60 days after the taxes have been paid, and such claims shall be paid out of current tax collections.

Section 3. This tax shall be paid into the Alabama Special Educational Trust Fund with the provision that beginning October 1, 1963, the sum of \$300,000, or as much thereof as may be necessary, shall be used each year as a part of the State Minimum Program Fund for the education and/or training of exceptional children including the administration, maintenance, and operation of class rooms, classes, and teachers for such classes in accordance with Act No. 249, approved August 16, 1955, with the further provision that said special allocation shall be in addition to all other allocations from the Minimum Program Fund for exceptional children.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective July 1, 1963.

Approved June 27, 1963.

Time: 4:30 P. M.

Act No. 68 H. 125—Thomas, Hannah, Hain, Nettles, Steagall, Bassett, Cooper, Crawford, Jones (Monroe), Turnham, Holladay, Merrill, Baker (DeKalb), Snell, Young, Collins, Nabors, Powell, Burnham, Teel

AN ACT

To amend Section 3 of Act No. 106, H.B. 81, Second Special Session 1963, and to add Sections 4 and 5 to said Act entitled "An Act, To amend Act No. 100, H. 94, Second Special Session 1959, entitled 'An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom, superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented, in relation to the rate of such tax; amending Sections 2 and 24 thereof.'"

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 3 of Act No. 106, H.B. 81, Second Special Session 1963, and add Sections 4 and 5 to said Act entitled

"An Act, To amend Act No. 100, H. 94, Second Special Session 1959, entitled 'An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom, superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented,' in relation to the rate of such tax; amending Sections 2 and 24 thereof," to read as follows:

"Section 3. Any contractor who before the date of this enactment became obligated to furnish at a fixed price any materials, equipment, or supplies in the performance of such contract shall be entitled to a refund of one-fourth of all state sales taxes paid by him in respect of the purchase of materials, equipment, and supplies actually used and consumed on or after July 1 and before October 1, 1963, in the performance of the contract. The refund shall be made under such reasonable rules and regulations as the commissioner of revenue may prescribe, after the claimant has established by evidence satisfactory to the commissioner that he is lawfully entitled thereto. Claims for refunds must be made within 60 days after the taxes have been paid, and such claims shall be paid out of current tax collections."

"Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains."

"Section 5. This Act shall take effect July 1, 1963."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1963.
Time: 4:35 P. M.

Act No. 69

S. J. R. 18—McCain

SENATE JOINT RESOLUTION

WHEREAS the members of the Legislature of Alabama learned with sadness of the death of Dr. Lee Bidgood, Dean Emeritus of the School of Commerce and Business Administration at the University of Alabama, and former Interim President of the University of Alabama, on Friday afternoon, May 17, 1963, and

WHEREAS Dr. Bidgood's wisdom, leadership and imagination had been devoted to the people of Alabama during all of the 50 years which followed his appointment as Professor of Economics at the University of Alabama in 1913, and

WHEREAS he served as the first Dean of the School of Commerce and Business Administration at the University from 1919 to 1954, and was therefore responsible for creating and maintaining the State's only fully accredited School of Commerce, and

WHEREAS Dr. Bidgood distinguished himself as a consultant and adviser in many phases of the business and industrial development of Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES CONCURRING, That due note of the death of Dr. Lee Bidgood be made, and the Legislature does hereby express to the members of his family in their great bereavement at this time and extend to them its full sympathy.

BE IT FURTHER RESOLVED that the Legislature does hereby recognize the contributions made by Dr. Bidgood as a teacher and consultant who played a major part in the industrial and commercial development of our state in his generation.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the volumes of this body and copies forwarded to the members of his family and to the Board of Trustees of the University of Alabama.

Approved June 27, 1963.

Time: 6:05 P. M.

Act No. 70

H. J. R. 54—M. Bethea, Brewer

HOUSE JOINT RESOLUTION

WHEREAS, on April 18, 1961, four Alabama citizens, Thomas Willard Ray, Leo F. Baker, Riley W. Shamburger, and Wade Carroll Gray, lost their lives at the Bay of Pigs in Cuba.

AND WHEREAS, These four men were at the time voluntarily engaged in a virtually hopeless air mission for which they could expect neither acclaim nor fame.

AND WHEREAS, These men had been invited by representatives of their government to take part in the mission in which they lost their lives.

AND WHEREAS, Indecision at the highest levels of government had already apparently doomed the operation, these four men did not flinch from the dangers that faced them.

AND WHEREAS, Their bodies still lie in unknown graves in a foreign land.

AND WHEREAS, There has been no public recognition by their government of the heroic part that these four men played in the deadly fight against our Communist enemies.

THEREFORE: BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That

1. This legislature feels that the service rendered to their country by Thomas Willard Ray, Leo F. Baker, Riley W. Shamburger, and Wade Carroll Gray was in the very finest tradition of our beloved state.

2. That the families of these four men are to be commended for the heroism and patriotism of their husbands and fathers.

3. That the people of the State of Alabama shall be forever indebted for the supreme sacrifice made by these four men.

ALSO,

4. That an appropriately framed and inscribed copy of this resolution shall be presented to each of the families involved.

5. That the Governor of the State of Alabama is hereby requested to present the framed copies of this Resolution to the families of these four men at an appropriate ceremony.

6. That upon receipt from the Governor of information as to time and place of the presentation ceremony, the Clerk of the House of Representatives shall contact the families of the four men and invite them to participate.

Approved June 27, 1963.

Time: 6:07 P. M.

Act No. 71

H. J. R. 56—Owens

HOUSE JOINT RESOLUTION

WHEREAS, the Etowah County Legislative delegation, composed of Senator George C. Hawkins, Representatives Ollie C. Nabors, Gary F. Burns, and W. E. Owens, Jr., in its official capacity, wish to commend the employees of the Goodyear Tire and Rubber Company on the outstanding achievements which they have accomplished in both the fields of safety and production, and

WHEREAS, through concerted effort on the part of all employees and their strict observance of safety rules and regulations which resulted in the Goodyear Tire & Rubber Company, Gadsden Plant, being awarded a certificate of merit and winning national recognition for outstanding safety achievements, and

WHEREAS, through the integrity, high morale, and concentrated efforts on the part of the aforementioned employees of the Goodyear Tire & Rubber Company's Gadsden Plant, a national record in the tire and manufacturing division of Goodyear Tire & Rubber Company has been achieved both in the quantity of

production and the quality of the products manufactured, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the employees of the Gadsden Plant of the Goodyear Tire & Rubber Company are highly commended for their strict adherence to the rules and regulations governing the operation of the Plant which has resulted in their obtaining national recognition for the Gadsden Plant.

BE IT FURTHER RESOLVED that the employees of the Gadsden Plant of the Goodyear Tire & Rubber Company should receive the approbation and whole-hearted esteem of all the citizens of Etowah County and the State of Alabama for the outstanding production record which they have maintained through a united and cooperative production system; and that due recognition by all the citizens of Etowah County is hereby made of their high morale and their integrity and experience, which has made these achievements possible, and of their important contributions to the social and economic life of the community.

RESOLVED ALSO, That copies of this resolution shall be sent to the Gadsden Times, the Mayor of the City of Gadsden, the manager of the Gadsden Plant of Goodyear Tire and Rubber Company, and the president of the Company at Akron, Ohio.

Approved June 27, 1963.

Time: 6:03 P. M.

Act No. 72

H. J. R. 57—Jones (Covington)

HOUSE JOINT RESOLUTION

WHEREAS Mr. Ralph A. Clark, native son and beloved citizen of Andalusia and Covington County passed away on February 16, 1963; and

WHEREAS Mr. Clark, born of a pioneer family, the son of the late Mr. and Mrs. Frank Clark of the Antioch community, was educated at Straughn school, the old Baptist College at Newton, and the University of Alabama where his studies in law were interrupted when he entered the army in World War I during which time he served so valiantly in France, and after which he completed his law training in night studies under the supervision of the late Judge Emmett Thigpen; and

WHEREAS Mr. Clark, being the dean of the active practicing attorneys of Covington County at the time of his death, made Andalusia and Covington County a better place in which to live, listed among his many additional services two terms as circuit

clerk of Covington County; Andalusia Recorder for sixteen years; veteran counsel of twenty-seven years for Covington County and South Alabama Electric Cooperative and a pioneer in rural electrification; a loyal member of the First Methodist Church where he was a steward and had for thirty-seven years been an outstanding teacher of the Men's Bible Class; and

WHEREAS Mr. Clark, through his high personal integrity, meritorious services, and understanding heart, endeared himself to the whole community to which he has left a rich heritage; and

WHEREAS Mr. Clark is survived by his widow Mrs. Bessie Clark of Andalusia; a daughter, Mrs. Arlo Bjorkland, and a grandson of North Platte, Nebraska; three brothers, Dr. Ashton Clark, retired professor of veterinary medicine at Auburn; Dr. Bartlett Clark a veterinarian of Welt Plains, Mississippi; Dr. Andrew Clark, a veterinarian of Sebring, Florida; and a sister, Mrs. Grady Adams, Sr., of Antioch community of Covington County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express deepest regrets at the passing of Mr. Ralph A. Clark and extend sincerest sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mrs. Clark, Mrs. Bjorkland, the three brothers and sister; Mr. Keltis Powell, Secretary, Andalusia Masonic Lodge No. 434, Andalusia, Alabama; Mr. J. Marvin Albritton, Secretary, Covington County Bar Association, Andalusia, Alabama; Alabama Electric Cooperative, Inc., Andalusia, Alabama; Secretary, Men's Bible Class, First Methodist Church, Andalusia, Alabama; The Andalusia Star-News, Andalusia, Alabama; The Opp News, Opp, Alabama; and The Florala News, Florala, Alabama.

Approved June 27, 1963.

Time: 6:10 P. M.

Act No. 73 H. J. R. 58—Etheredge, Sessions, Rast, Dominick, Bowers, Meeks, Gilmore, Bailes, Locke, Perry, Brown (Jefferson), Vacca, Morrow, B. Bethea, Hawkins

HOUSE JOINT RESOLUTION

Authorizing The Board of Trustees of the University of Alabama to designate the Rehabilitation Center Building in the Medical Center in Birmingham as "The Spain Rehabilitation Center".

WHEREAS, Frank E. Spain has served his state as an outstanding Attorney since 1913 achieving the highest professional attainment with a high sense of integrity and public responsibility; and has received national prominence as Past President of Rotary International, was decorated with the Chevalier Legion of Honor for service in World War I, and has served his community as a past president of the Birmingham Community Chest, Director of the Alabama Society for Crippled Children and Adults, Trustee of The Eye Foundation, Inc.; and member of the Advisory Council, Southern Research Institute; and

WHEREAS, The Board of Trustees of the University of Alabama has indicated its disposition to designate the Rehabilitation Center Building in the University of Alabama Medical Center in Birmingham, "The Spain Rehabilitation Center" in honor of Frank E. and Margaret C. Spain, loyal friends and benefactors of the University who were the donors of the funds used to match Federal Funds in the construction of this magnificent building; therefore,

BE IT RESOLVED by the House of Representatives of Alabama, the Senate concurring, that The Board of Trustees of the University of Alabama is hereby authorized to designate the Rehabilitation Center Building in the University of Alabama Medical Center in Birmingham as "The Spain Rehabilitation Center".

Approved June 27, 1963.

Time: 6:20 P. M.

Act No. 74

H. J. R. 59—Campbell (Tuscaloosa), Callahan,
Brown (Tuscaloosa)

HOUSE JOINT RESOLUTION

Authorizing The Board of Trustees of the University of Alabama to designate the Social Science Building now under construction on the University of Alabama Campus as "Marten ten Hoor Hall"

WHEREAS, The Board of Trustees of the University of Alabama has indicated its disposition to designate the Social Science Building on the main campus of the University at Tuscaloosa "Marten ten Hoor Hall" in honor of Dean Emeritus of the College of Arts and Sciences Marten ten Hoor, who retired in 1960 after 16 consecutive years in this position; a philosopher, teacher, administrator and recognized national leader with a total of 45 years service in the field of higher education, who brought distinction and eminence to the University and the State of Alabama; therefore,

BE IT RESOLVED by the House of Representatives, the Senate concurring, that The Board of Trustees of the University of Alabama is hereby authorized to designate the Social Science Building on the main campus of the University at Tuscaloosa as "Marten ten Hoor Hall".

Approved June 27, 1963.

Time: 6:25 P. M.

Act No. 75 H. J. R. 60—Brown (Tuscaloosa), Callahan,
Campbell (Tuscaloosa)

HOUSE JOINT RESOLUTION

Authorizing the Board of Trustees of the University of Alabama to designate the new women's residence hall now under construction on the former Athletic Practice Field of the main campus of the University in Tuscaloosa as "Martha Parham Hall".

WHEREAS, the Board of Trustees of the University of Alabama has indicated its disposition to designate the women's residence hall now under construction on the old Athletic Practice Field of the main campus of the University at Tuscaloosa "Martha Parham Hall" in honor of Mrs. Martha Parham Houser, an outstanding student at the University; University Registrar from 1918 through 1930; wife of University Treasurer and Engineering Professor Shaler C. Houser, for whom Houser Hall on the University campus is named; Acting Registrar of the College of Education from 1948 through 1950; and Director of Women's Housing from 1950 to 1961; during this long period she contributed greatly to the lives of many young men and women who attended the University and demonstrated her great love and esteem for and dedication to this University.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that The Board of Trustees of the University of Alabama is hereby authorized to designate the women's residence hall located on the old Athletic Practice Field of the main campus of the University of Alabama at Tuscaloosa as "Martha Parham Hall".

Approved June 27, 1963.

Time: 6:30 P. M.

Act No. 76

H. 5—Grouby

AN ACT

For the relief of Mrs. Robbie C. Langford; to authorize and direct the governing body of Autauga County to pay to Mrs. Langford the sum of four hundred seventy dollars (\$470) to compensate her for expenses of medical examinations and certain property damage.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Autauga County is authorized and directed to pay out of any money available in the county road and bridge fund to Mrs. Robbie C. Langford the sum of four hundred seventy dollars (\$470) to compensate her for expenses of medical examinations and property damage sustained as a result of an accident involving her automobile and a tractor owned by Autauga County and being operated on a public road in the county by an employee of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 6:55 P. M.

Act No. 77

H. 31—Burns, Owens, Nabors

AN ACT

Relating to counties having populations of not less than 76,000 nor more than 115,000, providing for meetings of the board of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 76,000 nor more than 115,000, according to the most recent federal decennial census, or any subsequent federal decennial census.

Section 2. In all such counties, the board of registrars shall meet on the first Monday and for four consecutive days thereafter, Sundays and legal holidays excepted, in the months of February, March, April, May, June, July, August, and September of each year, and on the first Monday and for nine consecutive days thereafter, Sundays and legal holidays excepted, in the months of October, November, December, and January of each year, for the purpose of registering voters. An applicant may register at the courthouse or at any other location in the county designated by the board of registrars.

Section 3. The board of registrars shall also meet at the courthouse on the second Monday in February in each year and for 19 consecutive days thereafter, Sundays, legal holidays, and the time or times for registering voters excepted, for the purpose of purging the voting list.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved June 27, 1963.
Time: 6:55 P. M.

Act No. 78

H. 59—Fite

AN ACT

To provide for the abolishment of the Office of County Engineer for Marion County, Alabama; to provide for the creation of a Division of Public Roads of Marion County; to prescribe the duties of said division; to provide for the appointment of a Chief Engineer to head said division; to prescribe his term of office; to prescribe his qualifications and salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The Office of County Engineer of Marion County created pursuant to the provisions of Act No. 198, Acts of Alabama 1953, page 263, as amended by Act No. 329, Acts of Alabama 1957, page 433, is hereby abolished.

Section 2. There is hereby created in Marion County, Alabama a Division of Public Roads.

Section 3. The Division of Public Roads, created pursuant to the provisions of this act, shall have primary responsibility of maintaining, constructing and reconstructing all public roads and bridges in Marion County. The Division of Public Roads shall further perform such duties as may be prescribed from time to time by the Marion County Board of Revenue.

Section 4. The Division of Public Roads, created pursuant to the provisions of this act, shall be headed by a Chief Engineer who shall be appointed by the Marion County Board of Revenue and shall serve a term of five years from the date of such appointment. He shall possess the same qualifications as are prescribed by the Alabama State Highway Department for County Engineers and must be a registered engineer with the State of Alabama.

Section 5. The Chief Engineer of the Division of Public Roads of Marion County shall receive an annual salary of not more than Ten Thousand Dollars (\$10,000.00), the exact amount to be fixed by the Board of Revenue to be paid in equal monthly installments, such salary to be paid from the gasoline tax funds in Marion County, Alabama.

Section 6. The Chief Engineer of the Division of Public Roads of Marion County shall have the power and authority to hire

such assistants and employees as he deems necessary upon approval of the Marion County Board of Revenue. Said assistants and employees shall be paid salaries set by the Marion County Board of Revenue, said salaries to be paid from the gasoline tax funds of Marion County, Alabama.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 7:00 P. M.

Act No. 79

H. 62—Fite

AN ACT

To provide for collection and enforcement by the state department of revenue of sales and use taxes levied or assessed by any city or town in Marion County.

Be It Enacted by the Legislature of Alabama:

Section 1. On the request of the governing body of any city or town in Marion County, the state department of revenue shall collect any privilege license tax heretofore or hereafter levied by such city or town under the provisions of a municipal ordinance when the levy parallels the state levy of sales and use taxes, except for rate of tax, and is subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use taxes levied by Act 100, H. 94, Second Special Session 1959, and Article 11, Chapter 20, of Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto except where inapplicable or where herein otherwise provided, including provisions for enforcement and collection of the taxes, if the ordinance is duly promulgated and adopted by the governing body of such city and a certified copy of the ordinance is filed with the state department of revenue.

Section 2. Such municipal taxes shall be collected by the state department of revenue at the same time and along with the collection by the department of taxes levied and collected for the state under the provisions of said Act No. 100, H. 94, Second Special Session 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended; and all reports required to be made to the commissioner of revenue for any city or town pursuant to this Act shall, on request made to the department of revenue, be made available for inspection by the governing body of such

city or town or its designated agent, at reasonable times during business hours.

Section 3. The department of revenue shall prepare and distribute such reports, blank forms, and other information as may be necessary to provide for collection of municipal taxes for any city or town coming under this Act, and shall have all authority and duties hereunder as it has in connection with the collection of the state sales and use taxes provided for by said Act No. 100 and said Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented.

Section 4. It shall be the duty of the commissioner of revenue to pay into the state treasury all municipal taxes collected under this Act, and on or before the first day of the following month, the commissioner shall certify to the comptroller the amount of special taxes collected for each city or town coming under the provisions of this Act during the calendar month immediately preceding the making of such certificate. The amount certified by the commissioner of revenue as having been collected for the use of a city or town, less collection charges deducted, shall be paid to the treasurer or other custodian of funds of such city. The state department of revenue shall charge each city or town for collecting municipal license taxes the cost to the department for making such collections, provided such charge shall not exceed ten percent of the amount collected. The comptroller shall once each month draw his warrant on the funds collected under this Act payable to the department of revenue for the amount of such charges, as determined by the commissioner of revenue.

Section 5. The commissioner of revenue may employ special counsel when necessary from time to time to enforce collection of municipal license taxes for any city or town coming under the provisions of this Act, and otherwise to enforce the provisions of the ordinance levying such taxes, including any litigation required, and the department of revenue may pay special counsel such fees as the commissioner considers reasonable and proper from the proceeds of the taxes payable to such city under the provisions of this Act.

Section 6. Any amendment of any municipal ordinance heretofore adopted levying a tax required to be collected hereunder shall not be effective until the first day of the month next following the expiration of 30 days from the date of the adoption of such amendment. The department of revenue shall not be required to make any collection of municipal taxes, or otherwise perform any duties as provided for herein until a certified copy of the ordinance and amendments thereto has been on file with the department of revenue for at least 30 days.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 6:03 P. M.

Act No. 80

H. 63—Fite

AN ACT

Relating to eminent domain proceedings when Marion County is a party; providing for appointment of members of the board of equalization as commissioners to assess damages.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever Marion County proposes to take lands or acquire an interest or easement therein, in any proceeding instituted in accordance with Chapter 1, Title 19, Code of Alabama, the judge of probate shall appoint the members of the board of equalization of the county to act as commissioners in lieu of the commissioners whose appointments are authorized by Section 11, Title 19, Code of Alabama.

Section 2. When acting as commissioners under this Act the members of the board of equalization shall be entitled to the same compensation as other commissioners and shall have the same powers and duties.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 5. This Act shall not affect any proceeding that was begun before its effective date.

Approved June 27, 1963.

Time: 6:02 P. M.

AN ACT

To provide for and require reidentification of the registered electors of Marshall County; imposing duties upon the board of registrars and other county officers, and upon the electors whose names appear on lists of qualified voters, prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The registered electors of Marshall County whose names appeared on the published list of qualified voters at the last general election for state or county officers shall each reidentify himself or herself as provided in this Act before January 1, 1965, for the names of all those who fail, neglect, or refuse to do so shall be omitted from the lists published thereafter.

Section 2. (a) A voter may reidentify himself by appearing in person before the board of registrars or the judge of probate or one of the duly authorized clerks of the board or judge and answering such questions and submitting such proof as may be set forth hereinafter to establish his identity and place of legal residence.

(b) A voter may reidentify himself at any election at which he votes before January 1, 1965, by answering and signing the questionnaire form provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who shall also sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) The board of registrars or its duly authorized clerk may visit every precinct in the county for the purpose of reidentifying voters, and a voter may reidentify himself by appearing in person before the board or its clerk in any such precinct and answering such questions as are set forth in the questionnaire form hereinafter prescribed. Due notice of a visit to a precinct for the purpose of reidentifying voters shall be given by publication in a newspaper of general circulation in the county for at least twenty days in advance of the visit, and by posting a copy of the notice in at least three public places in the precinct for the same length of time. The board of registrars and its clerk shall be allowed no more than 30 days in excess of any maximum number of meeting days now provided by law for the purpose of reidentifying voters. The board or clerk shall be entitled to the same per diem allowances for the extra meetings as they are entitled to receive for regular meetings.

(d) A voter who is on active duty in the armed forces of the United States or the spouse of a member of the armed forces on active duty, or any qualified elector of the county who is con-

fined to a hospital other than a hospital for mental patients or any physically incapacitated person, who under the general laws of Alabama is qualified to vote absentee ballots, may also re-identify himself or herself by filling in and mailing to the judge of probate the completed answers to such questions as are set forth in the questionnaire form hereinafter prescribed. The voter's signature to such questionnaire must be witnessed by a commissioned officer of the branch of the armed forces to which the voter is assigned, in the case of a qualified elector on active duty in the armed forces, and by a licensed practicing physician in attendance on any physically incapacitated person who may be qualified to vote absentee ballot.

Section 3. The questionnaire form which shall be executed by each voter shall be substantially as follows:

Voter Reidentification Questionnaire
Marshall County

Name of registered elector. (If elector is a married woman, she must give the full name of her husband and her own maiden name.)

_____, _____, _____
(Last Name) (First Name) (Middle Name)
Permanent residence address in _____ County:
(Street or route) _____
(City, town, or community) _____
(Post office address if different from above.) _____

(City, county, state or country)
Date of birth: _____
(Month) (Day) (Year)

Place of birth: _____
(City, County, State)

Sex: Male () Female ()

Race or color: _____

Voting place: _____

(Give location of polling place where you voted in the county the last time you voted in person.)

I declare under penalties of perjury that I have executed this questionnaire form to the best of my ability, and to the best of my knowledge and belief the information stated herein is true, correct and complete; also, that I have not been disqualified from voting under the laws of Alabama.

(Signature of voter)
Date: _____

Attest:

(Signature of witness)

(Title of witness)

Section 4. After December 31, 1964, the board of registrars and judge of probate of Marshall County shall omit or remove from the lists of qualified voters of the county the names of all registered electors who do not reidentify themselves as required in this Act. However, no person whose name is so removed or omitted from the lists of qualified voters shall be by that fact alone disqualified from voting in the county, nor shall he be required to re-register. But proof of his or her qualifications to vote must be made before he or she is allowed to vote at any election.

Section 5. The governing body of Marshall County shall provide the board of registrars and the judge of probate the supplies, printed forms, advertisements, equipment and clerical help necessary for reidentification of voters in the county as required by this Act.

Section 6. Whoever willfully makes a false statement in executing a voter reidentification questionnaire form is guilty of perjury, and upon conviction shall be punished by imprisonment for not less than one year nor more than five years.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 7:02 P. M.

Act No. 82 H. 111—Bevill, Scurlock, Goodwyn, Turner (Crenshaw), Campbell (Tuscaloosa), Hester, Brown (Tuscaloosa), Callahan, Branyon, Drake, Cantrell, Slate.

AN ACT

To provide an additional method for mortgaging poultry and other personal property used for the production, processing and marketing of poultry and poultry products by providing that the mortgagor may retain

possession of such mortgaged property and dispose of same in the usual course of business under certain conditions and with the consent of the mortgagee; and to further provide and authorize the mortgaging of after acquired poultry and other personal property used in producing, processing and marketing poultry and poultry products.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to encourage and promote the production of poultry in the State of Alabama and to facilitate the financing, operating and management of such agricultural and business endeavor, any poultry grower, breeder, hatcheryman, processor, dealer, or any other person engaged in the production, processing or marketing of poultry and poultry products as a party to any mortgage, conveyance or other instrument intended to operate as a chattel mortgage as security for the payment of any indebtedness, including future advances, and notwithstanding any other provisions of law, shall, with the consent of the mortgagee, which may be shown by recital thereof in any such instrument, be authorized or permitted to insert therein permission and authority to the mortgagor to retain possession of the mortgaged property, which may include live and processed poultry and other personal property necessary or useful for poultry production and to grow, use, handle, operate, manage and control such mortgaged property, its increases and additions, to use, sell and dispose of such portions thereof as may be deemed by the mortgagor to be necessary or desirable in the usual course of his business and to pay over the proceeds thereof to mortgagee or to replace or replenish such mortgaged property so used, sold or disposed of with other property of like kind or character, or to use the proceeds of any such sale to pay the costs and expense of purchasing, producing, otherwise acquiring, or growing such replacements or replenishments, and all of such property shall be subject to the operation of the mortgage or other instrument intended to operate as a mortgage; and, if otherwise valid, such mortgage or instrument shall be valid and binding not only between the parties thereto but also as to creditors and all other persons provided the same is recorded as now authorized by law.

Section 2. It shall be lawful to provide and stipulate in any such mortgage as may be given hereunder that all live and processed poultry and other personal property used in the production, processing and marketing of poultry and poultry products which may be subsequently acquired by mortgagor in the operation of his poultry business during the existence of any such mortgage and the indebtedness thereby secured shall be subject to said mortgage and constitute a valid lien prior to the claims of all creditors of said mortgagor provided said mortgage is duly recorded as now authorized by law, and provided further that the indebtedness, the payment of which is secured by any such mortgage authorized by this Act, may be paid at any time without penalty.

Section 3. A description in any mortgage of existing or subsequently acquired live and processed poultry and other personal property as may be mortgaged under authority of this Act as all such property owned or subsequently acquired by mortgagor and located in a specified county of the State at a designated location or locations shall be deemed to be for all purposes a sufficient and valid description of such mortgaged property.

Section 4. The provisions of this Act are cumulative for the purpose of providing an additional or supplemental method of mortgaging poultry and other personal property necessary for poultry production and marketing. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent only that such laws and parts of laws conflict with the provisions of this Act.

Section 5. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 27, 1963.
Time: 6:40 P. M.

Act No. 83

H. 114—Wood

AN ACT

Relating to counties having populations of not less than 15,300 nor more than 15,400; authorizing payment from county school funds of an expense allowance to the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of any county having a population of not less than 15,300 nor more than 15,400, according to the most recent federal decennial census, shall pay from the public school funds of the county the sum of \$1,000.00 per year to the county superintendent of education as an expense allowance, which sum shall be in addition to all other expenses of the office of superintendent of education which may now be authorized by law, and shall be paid to the county superintendent of education in equal monthly installments.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.
Time: 7:05 P. M.

Act No. 84

H. 115—Wood

AN ACT

To provide an allowance for clerk hire for the probate judge of all counties having populations of not less than 15,300 nor more than 15,400.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population of not less than 15,300 nor more than 15,400, according to the 1960 or any subsequent federal decennial census, shall provide a clerk hire allowance of one hundred fifty dollars (\$150) a month for the use of the probate judge. The allowance shall be paid from the general fund of the county in such manner as the governing body of the county may direct.

Section 2. This Act shall become effective the first Monday in January, 1964.

Approved June 27, 1963.

Time: 7:15 P. M.

Act No. 85

H. 116—Wood

AN ACT

Relating to counties having populations of not less than 15,300 nor more than 15,400; prescribing the amount of official bond required of the tax collector of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of any county having a population of not less than 15,300 nor more than 15,400, according to the most recent federal decennial census, shall execute bonds in duplicate, with good and sufficient sureties, either with a surety company, or with not less than two personal sureties, payable to the State of Alabama in the amount of \$50,000 subject to the approval of the state comptroller and conditioned faithfully to discharge the duties of his office, which are now or may be required of him by law during the time he continues therein or discharges any of the duties thereof. One of such duplicates shall be filed and recorded in the office of the judge of probate and one shall be filed in the office of the comptroller by not later than thirty days after the effective date of this Act, and thereafter shall be filed and recorded in the office of the judge of probate of the county on or before the first day of September next following his election and shall be filed with the comptroller not later than the fifteenth day of September of the same year. The cost of the bond herein prescribed, if made by a surety company, shall be paid by the court of county commissioners,

board of revenue, or like governing body of the county and shall be a preferred claim against the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 7:25 P. M.

Act No. 86

H. 117—Wood

AN ACT

To provide an allowance for clerk hire for the circuit court clerk of all counties having populations of not less than 15,300 nor more than 15,400.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population of not less than 15,300 nor more than 15,400, according to the 1960 or any subsequent federal decennial census, shall provide a clerk hire allowance of one hundred fifty dollars (\$150) a month for the use of the clerk of the circuit court. The allowance shall be paid from the general fund of the county in such manner as the governing body of the county may direct.

Section 2. This Act shall become effective the first Monday in January, 1964.

Approved June 27, 1963.

Time: 7:30 P. M.

Act No. 87

H. 146—Burns, Nabors, Owens

AN ACT

To define, regulate and license barbers and barber colleges, and other like businesses in Etowah County; to create a barbers' commission for said county; to fix the powers and duties of said commission; and to provide a penalty for the violation of the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect it shall be unlawful for any person, co-partnership, association or corporation to act

in Etowah County as a barber, operate a barber college, barber shop or other like business in such county or to advertise or assume to act as such without a license issued by the barbers' commission of Etowah County. No co-partnership, association or corporation shall be granted a license, unless every member or officer of said co-partnership, association or corporation, who actively engages in the barber business, barber college or like business of such co-partnership, association or corporation, shall hold a license as a barber as hereinafter provided for.

Section 2. A barber, barber shop, barber college or other like business within the meaning of this Act is any person, firm, partnership, co-partnership, association or corporation, who, for a valuable consideration or hire, shaves or trims the beard; gives facial or scalp massages, or treats the same with oils or other preparations; sings, shampoos, cuts or dyes the hair of a human being, or applies hair tonic or other cosmetic preparations, clays, or lotions to the scalp, neck or face; or engages in the teaching of any person or persons in the art of barbering as in this paragraph defined. Provided, however, the provisions of this Act shall not apply to (1) persons engaged in the practice of medicine, surgery or beauty culture, (2) persons actively engaged in the military service of the United States Government while acting in line of duty, (3) registered nurses in the course of their employment as such, (4) persons who render any of said services to members of their immediate families, or other persons who receive such services without charge therefor.

Section 3. There is hereby created a barbers' commission for Etowah County, State of Alabama. The governor shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of Etowah County, State of Alabama, for three years and who has had at least five years' experience as a barber, one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years. Thereafter the term of any member appointed and qualified to succeed the members of the barbers' commission for Etowah County first appointed shall be for three years and until their successors are appointed and qualified. Members to fill vacancies shall be selected in the manner following: The commission shall, sixty days prior to the expiration of the term of any commissioner or the chairman of the commission, give notice in writing to the licensed barbers of Etowah County that such vacancy will be created on the date of the expiration of the term of the commissioner whose term is about to expire; or if a vacancy be caused for any reason other than the expiration of the term the barbers' commission for Etowah County shall within thirty days after such vacancy is created give notice to the licensed barbers of Etowah County of such vacancy, calling upon the said barbers to suggest to the

barbers' commission the names of three barbers to fill the vacancy or vacancies thus occasioned. A ballot shall be prepared and enclosed in the letter notifying the barbers of the vacancy or vacancies thus created, the said ballot reading: "I hereby nominate for appointment by the governor of the State of Alabama to the barbers' commission for Etowah County, Alabama, one of the following named three persons:_____,"

The ballots shall be numbered and identified in such manner as to prevent anyone employing any ballot other than that forwarded the licensed barber entitled to vote and in addition to the ballot the barbers' commission shall forward the licensed barber an envelope addressed to the barbers' commission for Etowah County and properly stamped with postage of the United States Government. When the ballots are returned to the barbers' commission they shall be opened on a day designated in the notification forwarded the duly licensed barbers of Etowah County in the presence of the commissioners of the barbers' commission for Etowah County then serving. The ballots shall be counted, and the names of the three barbers who receive the greatest number of votes shall be selected as the three nominees of the barbers' commission and the commission shall then certify to the governor of the State of Alabama the names of the three barbers receiving the highest number of votes. The governor shall appoint one of the three persons thus nominated to fill the vacancy. If more than one vacancy exists at any time there shall be nominated in the manner hereinabove designated and certified to the governor three nominees for each such vacancy so that if there be one vacancy there shall be three nominees, if there be two vacancies there shall be six nominees, and if there be three vacancies there shall be nine nominees certified to the governor of Alabama, who shall select for appointment one nominee from each group thus nominated. The commission immediately upon the qualification of the member appointed each year shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions of this act. Each member of the commission shall receive as full compensation for each day actually spent in the work of said commission the sum of \$10 per day and his actual and necessary expenses thereby incurred. The commission shall appoint and at its pleasure discharge, a secretary-treasurer and such assistants as may be deemed necessary to discharge the duties imposed by the provisions of this act: The treasurer so appointed shall be required to enter into a bond to be approved by the commission in the sum of not less than one thousand dollars (\$1,000.00) conditioned to pay any shortage or loss of funds on hand by said treasurer during his term of office or at the time that he is holding office. Said commission shall outline the duties and fix the compensation of the treasurer. The commission shall obtain

such office space, furnishings, and other proper conveniences as shall be reasonably necessary for carrying out of the provisions of this act. The principal office of said commission shall be located in the City of Gadsden, provided, however, that upon the request of said commission, the Etowah County Board of Revenue, or other like county governing body, shall furnish an office in the courthouse without charge. The commission shall adopt a seal with such design as it may prescribe, engraved thereon, by which it shall authenticate its proceedings. The commission shall make appropriate rules and regulations for the administration of the office of the commission and for the purpose of carrying out the provisions of this act. In addition thereto, the commission is empowered to make reasonable inspection of the barbers and barber shops of Etowah County to the end that they observe proper methods of sanitation and sterilization in and about the conduct of their business. Copies of all records and papers in the office of the commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All records kept in the office of the commission under authority of this act shall be open to public inspection under such rules and regulations as shall be prescribed by the commission. All fees and charges collected by the commission under the provisions of this act, shall be paid into the treasury of the commission; said funds shall be used and kept exclusively in the hands of the treasurer of this commission, and shall be used under the direction of the commission, not inconsistent with this act. Funds may be disbursed by an order of the commission on a check drawn by the treasurer against such funds, as may be on hand, and approved by the chairman of the board for the purpose of paying all expenses incurred by the commission, including the compensation of members and their employees and their assistants and the treasurer, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the treasury of this commission, and all monies remaining in said separate fund at the end of the fiscal year not expended as herein provided, shall become a part of the funds of said commission and shall be retained by the said commission and may be deposited in any bank on savings account or otherwise.

Section 4. Licenses shall be granted only to persons of good moral character, who have an elementary school education or its equivalent in the judgment of the commission, and who are at least eighteen years of age, have practiced as an apprentice for a period of at least one year, and satisfactorily pass an examination conducted by the commission. Provided, however, any person engaged in the occupation of barbering for a period of less than one year may be licensed as an apprentice barber, provided he is at least seventeen years old and has an elementary school education, or its equivalent in the judgment of the commission, upon

successfully passing the commission's examination for licensing a barber, as herein set forth.

Section 5. Whenever the masculine gender is used in this act it is to be construed in such manner as to include the feminine gender. Every applicant for a barber's license, apprentice-barber's license or for a license to operate a barber shop or barber college or other like business shall apply therefor in writing on blanks prepared for and furnished by the barbers' commission. It shall be accompanied by the recommendation of at least two barbers doing business in said County of Etowah not related to the applicant certifying that the applicant is of good reputation, is qualified to practice the trade of barbering, and recommending that a license be granted him. Said application shall be accompanied by the application fee hereinafter provided and a reputable doctor's certificate certifying that said applicant has no communicable or contagious or infectious disease. The commission, after applications in proper form have been filed, shall set the application down for a hearing and determination as hereinafter provided in this act. The commission shall examine the application, doctor's certificate and recommendations of the barbers recommending the applicant and if these documents are found in order, then and in that event the commission shall proceed with the examination of the applicant. The applicant shall be examined with a view of determining whether he has an elementary school education or its equivalent, and in addition thereto the applicant shall be conducted to a chair in some barber shop where barbers licensed to practice barbering under the terms of this act are employed, where the applicant shall be given an examination which will determine his skill as a barber and in addition thereto the applicant may be required to name the instruments which are in general use in such barber shop and he shall be examined as to his knowledge concerning and the proper employment of shaving and shampooing soaps, antiseptics, lotions, facial massage creams and hair tonics, and if, in the opinion of the commission, such demonstration is deemed necessary or advisable the applicant may be required to demonstrate his skill in shaving some person or cutting his hair, in the art of massage or shampooing, or to do any or all of those things which a reputable barber is generally called upon to perform in practicing barbering. In addition thereto he shall be examined relative to his knowledge of certain skin diseases commonly dealt with by experienced barbers with the view of determining whether or not such diseases are infectious, or contagious; and in this connection he shall be required to show to the reasonable satisfaction of the commission his knowledge of the proper sterilization of the instruments and tools he is required to employ in and about the practice of barbering. If the applicant passes the examination the commission shall issue a license in such form as it may prescribe showing the name and address of the licensee and the barber shop or college in which he

is employed. The seal of the commission shall be imprinted on the license and such other additional matter placed thereon as the commission may designate. It shall be the duty of each person, co-partnership, association or corporation to display conspicuously the license thus issued in the place of business wherein such person, co-partnership, association or corporation operates. The commission shall issue to each licensee a pocket card, on which shall be an imprint of the seal of the commission certifying that the person whose name appears thereon is a licensed barber or operator of one of the businesses herein named as the case may be. The original fee for each barber's license shall be \$15, and the annual renewal fee shall be \$15. The original fee for any non-resident barber coming into this State shall be \$25. Every license shall expire on the 31st day of December of each year. The commission shall issue a new license for the ensuing year in the absence of any reason or condition that might warrant the refusal of granting of the license upon the receipt of the written request of the applicant accompanied by the annual fee therefor, as herein required, and accompanied, also, by a certificate of a reputable physician asserting that the applicant then has no contagious, communicable or infectious disease. The commission may upon its own motion, and shall upon the verified complaint in writing of any three persons making out a prima facie case, investigate the actions of any person hereby affected, and shall have the power to suspend or to revoke any license issued under the provisions of this act at any time where the licensee has fraudulently obtained the license, or where the licensee in performing or attempting to perform any of the acts mentioned herein is deemed to be guilty of (a) the violation of any state, county or city statute or ordinance pertaining to the operation of the business hereby affected, (b) the violation of any rule or regulation established by the commission, (c) or who has failed upon request of the treasurer to give evidence and/or proof of the compliance with the same. The commission shall, before denying an application for license, or before suspending or revoking any license, set the matter down for a hearing, and at least ten days prior to the date set for the hearing, notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made, and the date and place of hearing. The applicant or licensee at all hearings, shall have the opportunity to be heard in person or by counsel or both. Such notice may be served by delivery of the same personally to the applicant or licensee, or by mailing the same by registered mail to the last known residence or business of such applicant or licensee. In preparation and conduct of hearings, the commission shall have power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the commission may sign subpoenas, administer oaths and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts of this

State in civil cases. Any party to a hearing shall have the right to the attendance of witnesses in his behalf. In case of disobedience to a subpoena, any member of the commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers, and such court may issue an order requiring the persons to appear before the commission, and give evidence, or produce papers, as the case may be, and any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person so refusing to appear and give testimony required by such commission shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be punished as provided by Section 6 of this act. If the commission shall determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this act, a license shall not be granted, or the same suspended or revoked as the case may require. Upon request of the applicant or licensee in writing, the commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the commission may be appealed to the circuit court of Etowah County, provided an appeal is taken within 10 days after such final determination of the commission. Any person desiring to appeal under this section shall file with the commission or some member thereof, a notice in writing that he appeals to the circuit court with at least one solvent surety payable to the County of Etowah, conditioned to prosecute such appeal to effect, and upon failure to do so, to pay all costs and damages which may be taxed against him by the circuit court on such appeal. Such bond to be approved by the circuit court of Etowah County, and any cause so appealed shall be tried de novo in said circuit court. The commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicants to become barbers or barber-apprentices, and shall conduct said examination in accordance with the provisions hereof and in accordance with the rules and regulations promulgated by said commission not inconsistent with this act. Said examination shall be conducted in the City of Gadsden.

Section 6. Any person violating the provisions of this act shall upon conviction be punished by a fine of not more than five hundred dollars, or by imprisonment for a term not to exceed six months or by fine and imprisonment in the discretion of the court. This provision shall have application to any officer or agent of a corporation, co-partnership or association operated in violation of this act. Any court of competent jurisdiction in said county shall have full power to try any violation of this act, and upon conviction the court may at its discretion revoke the license of the person, co-partnership, association or corporation violating the

terms hereof. Before the commissioners herein provided for shall receive a commission and enter upon the discharge of their duties each shall take and subscribe the oath provided by law to be taken by elective officers of the State of Alabama.

Section 7. If any section, subsection, sentence, clause, phrase or requirement of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause, phrase and requirements thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or requirements be declared unconstitutional.

Section 8. All laws, or parts of laws, in conflict with this act be, and the same are hereby repealed.

Section 9. Nothing in this act contained shall affect the power of the State, county or municipality to tax, license and regulate persons, co-partnerships, associations or corporations, operating barber shops, barber colleges, or other like businesses. The requirements hereof shall be in addition to the requirement of any existing or future law or ordinance of any state, county or municipality so taxing, licensing or regulating persons, co-partnerships, associations or corporations operating barber shops, barber colleges or other like businesses.

Section 10. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved June 27, 1963.
Time: 7:40 P. M.

Act No. 88

H. 147—Burns, Nabors, Owens

AN ACT

To limit or restrict the jurisdiction of justices of the peace and notaries ex officio justice of the peace elected or appointed for any precinct in Etowah County.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect, justices of the peace and notaries ex officio justice of the peace elected or appointed for or in any precinct of Etowah County shall be divested and deprived of jurisdiction in all criminal and quasi-criminal cases, and shall have no power or authority to exercise any jurisdiction whatsoever in a criminal or quasi-criminal case, or to take complaints of public offenses committed within the county, or to issue

warrants of arrest; and no such justice of the peace or notary ex officio justice of the peace shall have any jurisdiction over any garnishment or attachment proceeding in any civil case.

Section 2. This Act shall not apply to nor affect any case pending in any court on the effective date hereof.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 7:50 P. M.

Act No. 89

H. 215—Wood

AN ACT

To authorize the governing body of Washington County, Alabama to pay the sum of Three Hundred, Sixty-two and 79/100 Dollars (\$362.79) out of the gasoline tax fund, road and bridge fund, or any other fund in the county treasury not otherwise appropriated to reimburse Ben S. Mandeville for property damages incurred by him as a result of a motor vehicle accident between a truck of Washington County, Alabama and an automobile owned by Ben S. Mandeville in which the driver of the county truck was negligent.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Washington County, Alabama is hereby authorized to pay to Ben S. Mandeville the sum of Three Hundred, sixty-two and 79/100 Dollars (\$362.79) out of the gasoline tax fund, road and bridge fund, or from any other funds in the county treasury not otherwise appropriated to reimburse him for property damages sustained by him as a result of a motor vehicle accident between a truck belonging to Washington County, Alabama and an automobile owned by Ben S. Mandeville which occurred under circumstances that the driver of the county truck was negligent, and that the county is morally and justly obligated to compensate the said Ben S. Mandeville for his damages, but he has no legal recourse to recover damages from the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 7:55 P. M.

Act No. 90

H. 216—Nettles, McCorquodale

AN ACT

To authorize municipal industrial development boards organized under Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, to make temporary loans and in evidence thereof to issue revenue bonds or notes maturing not later than eighteen months from date of issue, to provide that such temporary loans may be made in anticipation of the sale and issuance of long-term revenue bonds and, under certain conditions, simultaneously with and after the issuance of long-term revenue bonds, and to provide for payment of such temporary loans from the proceeds of such long-term revenue bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Any industrial development board organized under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, may, in addition to the other powers granted in said Act No. 648, as amended, borrow money for temporary use for any of its corporate purposes and in evidence of such borrowing issue from time to time revenue bonds or notes maturing not later than eighteen months from the date of issuance.

Section 2. Any such temporary borrowing may be made in anticipation of the sale and issuance of long-term revenue bonds, and in such event the principal proceeds from the sale of such long-term revenue bonds shall, to the extent necessary, be used for payment of the principal of and the interest on the temporary revenue bonds or notes issued in anticipation of the sale and issuance of such long-term revenue bonds.

Section 3. Any such temporary borrowing may also be made with respect to a project (as that term is defined in said Act No. 648, as amended) simultaneously with or after the sale and issuance of long-term revenue bonds issued with respect to such project if, under the terms of the proceedings under which such long-term revenue bonds are issued, the proceeds therefrom or any part thereof may not be used or released until completion of the project with respect to which issued or other similar contingency. In such case, the principal proceeds from the long-term revenue bonds shall, when released and to the extent necessary, be applied for payment of the principal of and the interest on such temporary revenue bonds or notes.

Section 4. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 6:35 P. M.

Act No. 91

H. 233—Burns, Nabors, Owens

AN ACT

To create and establish in Etowah County an inferior court, known as and called the Etowah County Court; to define its jurisdiction and powers; to provide for a judge and other officers of the court, and prescribe their powers, duties, tenure and compensation; to prescribe rules of procedure for the court; to provide for the execution of the process of the court and the operation thereof; and to authorize and provide for the transfer of cases and causes from other courts to the court hereby created.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Etowah County a court with county-wide jurisdiction as hereinafter provided. The court shall be known as the Etowah County Court. It shall have original jurisdiction of misdemeanors committed in the county, of bastardy and peace proceedings arising in the county and preliminary jurisdiction of all felonies committed in the county. It shall also have and exercise exclusive jurisdiction in all juvenile and non-support cases arising in the county under Chapter 7 of Title 13 and Chapter 4 of Article 3 of Title 34 of the Code of Alabama of 1940, and amendments thereto, and shall have all the powers therein conferred on the probate judge of said county in such cases. Except as hereinafter provided it shall have jurisdiction concurrent with the circuit court in all civil actions when the matter or sum in controversy exceeds fifty dollars and does not exceed five hundred dollars (\$500) and the same jurisdiction in civil actions when the matter or sum in controversy is less than fifty dollars (\$50) conferred by law on justices of the peace. The court shall not take cognizance of any matter or proceeding in equity, except suits involving the custody of children. The Etowah County Court is vested with the same powers, authority and jurisdiction now held or exercised under general or local law by the county court of Etowah County, the juvenile court, justices of the peace or courts created in lieu thereof, or the circuit court in those matters in which jurisdiction has been hereinabove conferred on the Etowah County Court.

Section 2. The judge of the court hereby created shall be a qualified elector of Etowah County who has been a resident thereof for at least one year, is at least twenty-five years of age, and is learned in the law. Cyril L. Smith shall be the first judge of this court, and he shall serve until the first Monday after the second Tuesday in January 1965 and until his successor is elected and has qualified. At the general election in November 1964 and every four years thereafter a judge of the Etowah County Court shall be elected by the qualified electors of Etowah County in the same manner prescribed by law for the election of other county officers. Judges so elected shall hold office for a term of four years from the first Monday after the second Tuesday in January

after their elections and until their successors have been elected and have qualified. Vacancies in the office of judge of this court shall be filled in the manner prescribed for the filling of vacancies in the office of circuit judge. The judge of the court shall not engage in the practice of law.

Section 3. The judge of the court shall receive a salary of nine thousand five hundred dollars (\$9,500) per annum payable monthly from the county treasury, upon his warrant drawn upon the county treasurer. He shall, before entering upon the duties of the office, take the oath of office in the form and manner required by law to be taken by judges of the circuit courts of Alabama, which oath shall be recorded in the office of the judge of probate of Etowah County, Alabama, and a commission shall be issued to him by the state as provided by law for other county officers. The judge may be removed from office for the causes and in the manner provided by law for removal of judges of the circuit courts. He may punish for contempt in such cases where justice of the peace courts may punish for contempt, by a fine not exceeding six dollars and by imprisonment in the county jail not exceeding six hours, one or both, at his discretion. The judge shall have the right to issue and sign in his name any process or other paper of the court.

Section 4. The circuit clerk of Etowah County, Alabama, shall be ex officio clerk of the Etowah County Court, and all duties performed by or required of the said clerk shall be by virtue of his being clerk of the circuit court. The clerk shall issue processes of the court, keep a docket of the proceedings of the court, both civil and criminal, certify all appeals and certioraries. He shall have the power and authority to take affidavits and issue search warrants and warrants of arrest thereon, making same returnable to the court hereby established. The fees and costs allowed by law in civil cases to justices of the peace, constables, sheriffs and witnesses for services in the justice of the peace courts shall be taxed and collected as provided by law in each civil case. In all criminal cases the fees and costs authorized by law to be taxed in the county courts of the state shall be taxed and collected in each criminal case tried or docketed in the court. In addition thereto, there shall be taxed and collected for the use of the county in each case both civil and criminal docketed a trial fee of one dollar. The fees accruing to sheriffs, constables, witnesses and justices of the peace, when collected, shall be paid direct to those entitled thereto. All fines, forfeitures and other monies collected by the clerk for the state of Alabama shall be paid monthly to the state treasurer. All fines and forfeitures collected for the county fine and forfeiture fund shall be paid into said fund monthly, and all other fees and costs shall be paid monthly by the clerk to the county treasurer. The court of county commissioners shall provide the clerk such deputies and assist-

ants as may be reasonably necessary for the proper discharge of his duties. Such deputies and assistants shall be appointed by the clerk and serve at his pleasure, but the number and compensation of the deputies and assistants so appointed shall be subject to approval by the county governing body. Their compensation shall be paid from the county treasury.

Section 5. The office of constable of the Etowah County Court is hereby established. E. J. Noojin is hereby appointed to such office and he shall serve until the first Monday after the second Tuesday in January 1965 and until his successor is elected and has qualified. At the time of election of the judge of the court and each four years thereafter there shall be elected in the same manner a constable who shall be the constable of the court and shall execute all civil processes from or issued by the court and make due return thereof. The constable must be a qualified elector of Etowah County, and shall hold office for the same term for which the judge of the court holds office. All processes issued out of the court shall be addressed to any lawful officer of Etowah County, Alabama. The sheriff shall execute all criminal processes of the court and shall be required to attend the court on criminal trial days for which he shall be paid as provided by law in county courts. In cases of sickness or other absence of the constable, or whenever requested to do so by the judge, the sheriff or his deputy shall be required to serve all processes of the court, receiving the legal fees therefor for his service.

Section 6. In the event of sickness or necessary absence of the judge of the court, the presiding judge of the circuit court of Etowah County shall appoint a special judge to hold court during the absence of the regular judge, whose compensation shall be at the same rate as herein provided for the regular judge, and paid on his warrant drawn on the county treasury, provided that the regular judge of said court shall receive no compensation after a continuous absence of thirty days or more.

Section 7. It shall be the duty of the deputy solicitor for Etowah County to prosecute criminal cases in the court. The same solicitor's fees shall be taxed in misdemeanor cases in this court, in the same manner as such fees are taxed by general law for solicitors in similar cases in the circuit and county courts of the state. All solicitor's fees, when collected shall be paid into the county treasury as other costs. It shall be the duty of the deputy solicitor for Etowah County to attend and prosecute all juvenile and non-support cases arising in Etowah County.

Section 8. It shall be the duty of the board of revenue or other governing body of Etowah County to provide proper offices in the courthouse for the court, and to provide the court with all necessary furniture, blanks, stationery, docket books, typewriter, phone and other articles and supplies which may be reasonably necessary for the court.

Section 9. The rules and regulations governing justice of the peace courts shall apply as near as possible in all civil cases in the court hereby established and the rules and regulations governing county courts shall apply as near as possible in all criminal cases, except as herein otherwise provided. All parties against whom judgments have been rendered shall have ten days within which to effect appeals to the circuit court, such appeals to be perfected in the manner prescribed by law for appeals from justice of peace courts. In all civil cases the judge may, at his discretion, set aside judgments on motion of either party within five days after such judgment is granted. In civil cases when an execution has been issued within twelve months after the rendition of judgment and has not been returned satisfied, an alias execution may be issued thereon at any time within six years from date of such judgment without a revival of judgment. When a certificate of judgment has been filed in the office of the probate judge within twelve months from the date of its rendition, execution may issue thereon at any time within six years from the date of said judgment, whether execution has been previously issued or not, and such recorded judgment shall be a lien on the property of the defendant as provided by law in the circuit courts. Warrants may be issued by justices of the peace in Etowah County returnable to the court hereby established for any indictable offense, peace and bastardy proceedings, and non-support cases.

Section 10. Any case within the jurisdiction of the court hereby established pending in the circuit court of Etowah County, the county court, a justice of the peace court or a court created in lieu of justices of the peace may, at the request of either party thereto, be transferred to the court hereby established, and thereafter continued as though initially instituted in the court hereby established; and such court shall have full and complete jurisdiction over all cases so transferred and may, in the manner prescribed by law for such cases, issue writs of garnishments, executions and other appropriate legal process in cases so transferred.

Section 11. Nothing contained in this statute shall abridge, limit or change the jurisdiction of recorder's courts provided by general law for municipalities.

Section 12. All laws, local or general, in conflict with the provisions of this act are, in so far as they conflict with the provisions of this act, hereby repealed.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This act shall take effect on the first day of the month following the month in which it becomes law.

Approved June 27, 1963.

Time: 8:00 P. M.

Act No. 92

H. 234—Burns, Nabors, Owens

AN ACT

To abolish the county court of Etowah County, Alabama; to provide for the transfer of cases and causes therein pending; and to repeal Act No. 578, H. 1007 of the Regular Session of 1947 (Local Acts of Alabama 1947, p. 390).

Be It Enacted by the Legislature of Alabama:

Section 1. The County Court of Etowah County, created by Act No. 578, H. 1007 of the Regular Session of 1947 (Local Acts of Alabama 1947, p. 92) is abolished.

Section 2. Every case and every cause pending in the County Court of Etowah County, together with the records, documents, and papers pertaining thereto, shall be transferred to the courts which have jurisdiction under the general laws of Alabama or under local laws applicable to Etowah County of the subject matter involved in the case or cause. The circuit clerk of Etowah County, in his capacity as clerk of the County Court of Etowah County, immediately after this act takes effect, shall certify each case or cause, together with the records, documents, and papers pertaining thereto, to the proper court. It shall not be necessary, however, for the clerk to certify cases or causes transferred to the circuit court or any other court of which he is ex officio clerk.

Section 3. Each such case or cause shall be docketed and proceed in the court to which it is transferred; and all costs accrued in the county court shall be charged and collected in the court to which the case or cause is transferred.

Section 4. This act shall take effect on the first day of the month following the month in which it becomes law.

Approved June 27, 1963.

Time: 8:05 P. M.

Act No. 93 H. 238—Rast, Perry, Meeks, Bailes, Vacca, Bethea (M), Hawkins, Sessions, Brown (Jefferson), Bethea (B), Dominick, Etheredge, Locke, Morrow

AN ACT

To repeal Act #193 approved August 7, 1927, (Acts of Alabama 1927) beginning at page 193, said Act #193 being entitled "An Act. To create a fund to be used by the Sheriff of each County in the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal census, for the purpose of defraying the expenses of sending for, returning and transporting prisoners and fugitives from justice, and to provide for the expenditure and replenishing of said fund."

Be It Enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act to create a fund to be used by the Sheriff of each County in the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal census, for the purpose of defraying the expenses of sending for, returning and transporting prisoners and fugitives from justice, and to provide for the expenditure and replenishing of said fund," approved August 2, 1927 (Act 193 Acts of Alabama 1927 Page 193) be and the same is hereby repealed.

Section 2. That this act shall go into effect upon its approval by the Governor or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 8:10 P. M.

Act No. 94

H. 272—Snell

AN ACT

To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624), which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices is amended further to read as follows:

"Section 2. Whenever the compensation of the Probate Judge, Sheriff, Circuit Clerk, Tax Assessor, and Tax Collector is altered to the salary basis as provided in Section 1 hereof, the Court of County Commissioners shall provide such officers allowances for the purpose of hiring clerks, assistants, or deputies, as follows:

"(a) The probate judge shall be allowed the sum of eleven thousand dollars (\$11,000) annually for the employment of clerical assistance, including the chief clerk. The salary of the chief clerk of the probate judge shall be four thousand eight hundred dollars (\$4,800) annually.

"(b) The Circuit Clerk shall be allowed the sum of two thousand four hundred dollars (\$2,400) annually for the employment of clerical assistants, in addition to the deputy provided for by Act No. 502, Regular Session 1955, as amended by Act No. 21, Regular Session 1959.

"(c) The Tax Assessor shall be allowed the sum of three thousand six hundred dollars (\$3,600) annually for the employment of clerical assistants.

"(d) The Tax Collector shall be allowed the sum of three thousand dollars (\$3,000) annually for the employment of clerical assistants.

"(e) The Sheriff shall be allowed four deputies, the chief deputy and three others, whose compensation shall be paid by the county. Salaries shall be fixed by the board of revenue, court of county commissioners, or other like county governing body at an amount not to exceed three hundred fifty dollars (\$350) per month."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:50 P. M.

Act No. 95

H. 276—Branyon

AN ACT

Relating to counties having populations of not less than 15,500 nor more than 16,300; regulating the compensation of the county superintendents of education of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendents of education of all counties of the state having populations of not less than 15,500 nor more than 16,300, according to the last or any subsequent federal decennial census, shall be fixed by the county boards of education of such counties at a sum equal to the amount of compensation as now fixed by such boards, plus 17.6 per cent thereof, to be paid at the same times and in the same manner as now prescribed for payment of compensation of county superintendents of education in such counties.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect immediately upon its enactment.

Approved June 27, 1963.

Time: 5:43 P. M.

Act No. 96

H. 277—Branyon

AN ACT

Relating to counties having populations of not less than 15,500 nor more than 16,300; regulating the compensation of members of the county boards of education of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county boards of education of all counties having populations of not less than 15,500 nor more than 16,300, according to the last or any subsequent federal decennial census, shall each receive from the public school funds of the county the per diem compensation now prescribed by law, plus 17.6 per cent of such per diem, and their actual traveling and hotel expenses incurred in attending meetings of the board and in transacting the business of the board. The members of the board shall not be allowed pay for more than eighteen days in any one year and their expenses shall be paid in the manner provided for payment of compensation of teachers in such counties.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect July 1, 1963.

Approved June 27, 1963.

Time: 5:49 P. M.

Act No. 97

H. 298—Camp, Bolton

AN ACT

To repeal Act No. 502, approved November 19, 1959, an act relating to fixing the supplemental salaries of circuit judges in judicial circuits composed of only one county classified on a population basis (Acts of Alabama, 1959, Volume 2, page 1236).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 502, approved November 19, 1959 entitled "An Act to supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits in Alabama composed of only one county which has a population of not less than sixty-five thousand nor more than seventy-five thousand, according to the most recent federal decennial census" (Acts of Alabama, 1959, Volume 2, page 1236) is hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:50 P. M.

Act No. 98

H. 299—Camp, Bolton

AN ACT

To supplement the state salary payable to the circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than sixty-five thousand nor more than ninety-five thousand, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all judicial circuits of Alabama composed of only one county which has a population of not less than sixty-five thousand nor more than ninety-five thousand according to the most recent federal decennial census, the salary of each or any circuit judge therein shall be supplemented by the county composing any such circuit by the further and additional sum of \$2500.00 per annum. The salary supplement payable by the county shall be paid from the general fund of the county in twelve equal monthly installments as supplemental salary to that paid by the State of Alabama.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:52 P. M.

Act No. 99

H. 302—Wood, Doggett, McCorquodale

AN ACT

Relating to the solicitor of the First Judicial Circuit; to provide for payment to him from the county treasuries of the counties composing the circuit of a monthly allowance for expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other salary, compensation and allowances prescribed for him by law, the circuit solicitor of the First Judicial Circuit shall be entitled to receive a monthly allowance of one hundred dollars (\$100) for payment of expenses incurred in the performance of any of his official duties. The allowance shall be paid in equal parts by the counties composing the First Judicial Circuit out of any funds in the county treasury not otherwise appropriated.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act shall become effective on the first day of the first month beginning after this Act becomes law.

Approved June 27, 1963.
Time: 5:45 P. M.

Act No. 100

H. 303—Wood

AN ACT

To authorize and direct the county board of education of all counties having populations of not less than 15,300 nor more than 15,400 according to the last or any subsequent federal decennial census to provide for increasing the salary or other compensation of school bus drivers in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The boards of education of all counties in this state having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census, is hereby authorized and directed to take whatever steps are necessary to provide that the salary or other compensation of each school bus driver transporting pupils to public schools for such board is increased by an amount equal to ten per cent of the salary or other compensation prescribed for him when this act becomes effective in such county. In the case of school bus drivers who are paid regular monthly salaries by the board of education, the amount of each driver's salary shall be increased by an amount equal to ten per cent of such driver's salary at the time this act becomes effective in the county. In those cases where pupils are transported to the public schools pursuant to a contract between the board of education and a bus owner, the board shall authorize and provide for the payment, in addition to the contract price for such transportation, of an additional amount equal to ten per cent of the contract price, provided the contractor agrees that the salary or other compensation of the driver of the bus shall be increased ten per cent.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.
Time: 5:40 P. M.

Act No. 101

H. 296—Holladay

AN ACT

Relating to counties having populations of not less than 24,800 nor more than 25,400; to regulate the compensation of the superintendent of education of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 24,800 nor more than 25,400, according to the most recent federal decennial census, the county superintendent of education shall be entitled to such compensation, not exceeding \$7,500.00 per annum, as the board of education may prescribe. However, the compensation of the superintendent of education shall be fixed and determined before he enters upon the term for which he was elected or appointed and shall not be increased nor diminished during the term.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:30 P. M.

Act No. 102

H. 313—Drake

AN ACT

Relating to counties having populations of not less than 42,000 nor more than 46,000; fixing the compensation of election officials in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 42,000 nor more than 46,000, according to the 1960 or any subsequent federal decennial census.

Section 2. The returning officer, the inspectors, and the clerks for elections shall be entitled to seven dollars (\$7.00), and their several claims shall be paid as preferred claims out of monies in the county treasury not otherwise appropriated on proper proof of service rendered. The returning officer shall also be entitled to mileage as otherwise prescribed by law.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:20 P. M.

Act No. 103

H. 372—Bevill, Scurlock

AN ACT

Relating to Walker County; fixing the compensation of the county superintendent of education; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The superintendent of education of Walker County shall be entitled to receive for the performance of his duties an annual salary of \$9,000 and such other allowances as may be prescribed by law, which salary shall be paid in equal monthly installments out of the public school funds of the county.

Section 2. The provisions of Act No. 225, H. 330, Regular Session 1961 (Acts 1961, v. 1, p. 259) in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect July 1 next following its enactment.

Approved June 27, 1963.

Time: 5:59 P. M.

Act No. 104

H. 373—Bevill, Scurlock

AN ACT

For the relief of Grady Nesmith; authorizing the county governing body of Walker County to make an appropriation to compensate said Grady Nesmith for certain injuries.

Be It Enacted by the Legislature of Alabama:

Section 1. The Walker County Board of Finance and Control, or other like governing body of the county, may appropriate from general funds of the county not otherwise appropriated the sum of \$367.40, to reimburse Grady Nesmith for loss of wages and for medical and hospital expenses incurred by him as the result of personal injuries sustained while he was assisting county employees in fighting a forest fire in Walker County on or about October 25, 1961.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:15 P. M.

Act No. 105

H. 374—Bevill, Scurlock

AN ACT

For relief of Robert Claud Reid; authorizing and directing the county governing body of Walker County to make an appropriation to compensate said Robert Claud Reid for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The Walker County Board of Finance and Control, or other like county governing body, is hereby authorized and directed to appropriate from general funds of the county not otherwise appropriated the sum of \$379, to reimburse Robert Claud Reid, chief deputy sheriff of Walker County, for medical and hospital expenses incurred by him as the result of personal injuries sustained in the performance of an official act of executing a federal search warrant at Kilpatrick Fish Camp, in Walker County, on September 26, 1958; the statute of limitations having precluded recovery under workmens compensation, and no other remedy being available at law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:15 P. M.

Act No. 106

H. 375—Bevill, Scurlock

AN ACT

To provide for the relief of Howard Thomas; authorizing an appropriation from the funds of Walker County for such purpose.

PREAMBLE

On or about July 27, 1961, a well on the property of Howard Thomas located on the Guthrie-Nesmith Road west of Townley, in Walker County, was damaged to the amount of \$250.00 as a result of some explosions set off by county employees of Walker County while constructing a road; and

Whereas, the claim of the said Howard Thomas is a moral and just obligation of Walker County, but not recoverable at law; now, therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The board of finance and control, court of county commissioners, board of revenue, or other like governing body of Walker County may appropriate out of the unpledged public funds of the county a sum not exceeding \$250.00 to compensate the said Howard Thomas for damages to his well; and when such appropriation is duly made, the officer charged by law with the duty of drawing warrants on the public funds of Walker County shall draw his warrant in favor of Howard Thomas in the amount of \$250.00.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:12 P. M.

Act No. 107

H. 381—Branyon

AN ACT

Relating to counties having populations of not less than 15,500 nor more than 16,300; providing increases in pay for all employees of the county board of education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,500 nor more than 16,300, according to the most recent federal decennial census, the county board of education shall provide every person regularly employed by it, except school bus drivers, an increase in pay in an amount equal to 17.6 percent of his or her base pay as now fixed or provided; and every school bus driver's pay shall be increased to a minimum amount of not less than \$100 a month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:05 P. M.

Act No. 108

H. 382—Crawford

AN ACT

To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 15,000 nor more than 15,300.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of every county in this state which has a population of not less than 15,000 nor more than 15,300, according to the last or any subsequent federal decennial census, shall receive from the public school funds of the county the sum of seven dollars and fifty cents (\$7.50) per day for attendance at meetings of the board and the sum of thirty-five dollars (\$35.00) per month as an allowance for expenses incurred in attending meetings and transacting business of the board. Members of the board shall not be allowed per diem for more than twenty-four (24) days in any one year. Such compensation and expense allowance shall be paid in the same manner as provided for the payment of the compensation of teachers.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:01 P. M.

Act No. 109

H. 354—Faulk

AN ACT

To amend further Section 1 of Act No. 550, S. 433, Regular Session 1947, which relates to the appointment, qualifications, tenure, and compensation of the superintendent of education of Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 550, S. B. 433, approved October 8, 1947, Local (Local Acts of Alabama, 1947, p. 374), entitled "An Act To Provide For The Appointment of the County Superintendent of Education of Geneva County, Alabama, by the County Board of Education, prescribing his qualifications and providing for his term of office, salary, powers, duties, and removal," as amended is further amended to read as follows:

"Section 1. The County Board of Education of Geneva County, Alabama, shall appoint the county superintendent of education for a term of four years commencing quadrennially on July first. To be eligible for appointment to the office of county superintendent of education a person must hold at least an Alabama Class A Superintendent-Principal certificate.

"The superintendent of education shall be entitled to a salary not exceeding \$10,000 per annum, and an expenditure for travel

and other expenses, all to be fixed by the county board of education, which salary shall be paid in monthly installments out of any funds available to the board of education for such purpose. The county board of education may remove the superintendent of education at any time for immorality, misconduct in office, incompetency, willful neglect of duty, or when the best interests of the schools require it."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:00 P. M.

Act No. 110

H. 426—Bassett

AN ACT

To regulate the compensation of members of the county board of education in counties having populations of not less than 25,800 nor more than 26,700, according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of any county having a population of not less than 25,800 nor more than 26,700, according to the 1960 or any subsequent federal decennial census, shall each receive from the public school funds of the county, as compensation for their services, ten dollars (\$10.00) per day and an expense allowance of ten dollars (\$10.00) per day for each day in which they are actually attending meetings and transacting business of the board. Provided, however, the members of the county board shall not be allowed pay for more than twenty-four days in any one year.

Section 2. The compensation and expense allowance provided for by this Act shall be in lieu of any other compensation and expenses provided by law for members of county boards of education in counties in which this Act applies.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 4:50 P. M.

Act No. 111

H. 427—Pruitt

AN ACT

Relating to Sumter County; to provide for employment of an additional assistant by the tax collector for portions of each fiscal year, whose compensation shall be paid by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or other like governing body of Sumter County shall provide for the employment of one additional clerk in the office of the tax collector for four months of each fiscal year, as needed by the tax collector, to assist him in the performance of his official duties. The clerk shall be entitled to a salary of \$150 a month payable out of the general fund of the county, upon the certificate of the tax collector stating that such clerk has actually been employed in his office.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 4:45 P. M.

Act No. 112

H. 428—Pruitt

AN ACT

Relating to Sumter County; amending further Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, p. 187) in relation to the maximum compensation of the county engineer.

Be It Enacted by the Legislature of Alabama:

Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, p. 187), as amended, is amended further to read as follows:

“Section 8. COUNTY ENGINEER. The Board of Commissioners shall appoint a county engineer in accordance with Title 12, Section 67 of the 1940 Code. The engineer shall serve at the will and pleasure of the board and shall be paid not less than three thousand dollars (\$3,000) nor more than ten thousand dollars (\$10,000) per year. Subject to general supervision and control by the Board of Commissioners, the engineer shall have charge of the construction and maintenance of all county roads

and bridges. The county engineer shall have the power, and it shall be his duty to: (1) employ, supervise, and fix the compensation for such workmen, laborers, and overseers as are necessary to construct, repair, and maintain the roads and bridges of the county; (2) supervise and control the location, placement, use, operation, and disposition of all road-and-bridge materials, supplies, tools, machinery, and equipment; (3) make recommendations concerning the location and extent of road-and-bridge construction and maintenance projects; (4) perform such engineering and surveying services as may be required by the Board of Commissioners; (5) maintain adequate accounting records; (6) perform such other duties as may be necessary in the operation of the county highway system. The county engineer shall utilize the road equipment, materials, and labor force in accordance with the needs of the entire county for road construction and maintenance, without regard to any district boundaries."

Approved June 27, 1963.

Time: 4:36 P. M.

Act No. 113

H. 484—Martin

AN ACT

To repeal Act No. 294, H. 707, Regular Session 1959 (Acts 1959, p. 863), an act which levies sales and use taxes in Greene County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 294, H. 707, Regular Session 1959 (Acts 1959, p. 863), entitled "An Act to levy county sales and use taxes for public school purposes in Greene County; to provide for the collection of such taxes by the state department of revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; to provide penalties for violations of the Act; to supersede and repeal Act No. 24, H. 15, approved February 19, 1959," is hereby repealed.

Section 2. All the provisions of said Act No. 294 pertaining to the payment and collection of the taxes levied therein, the making of reports and maintenance of records with respect thereto, and in general the enforcement of said act shall continue to be effective with respect to the taxes therein levied that shall have accrued thereunder before the effective date of this Act.

Section 3. This Act shall take effect on July 1, 1963.

Approved June 27, 1963.

Time: 5:55 P. M.

Act No. 114

H. 245—Turner (Limestone)

AN ACT

To amend further Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, in relation to the number of deputies and jailers to be appointed by the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, as amended, is amended further to read as follows:

"Section 3. The sheriff may appoint a chief deputy and four other deputies and two jailers, whose salaries shall be fixed by the sheriff. The jailers shall be appointed to serve as jailers or bailiffs and shall not be engaged in law enforcement work. The chief deputy shall receive a salary of not less than one thousand eight hundred dollars (\$1,800) nor more than four thousand two hundred dollars (\$4,200) per annum. Each of the other deputies and the jailers shall receive a salary of not less than one thousand five hundred dollars (\$1,500) nor more than three thousand nine hundred dollars (\$3,900) per annum. The sheriff may also appoint a clerk, who shall be employed three working days each week, and shall receive a salary of two thousand one hundred dollars (\$2,100) per annum. All of the salaries provided for herein shall be paid by the county in equal monthly installments as salaries of other county employees are paid."

Section 2. All laws or parts of laws, general, special or local, which conflict with this Act are repealed.

Section 3. This Act shall become effective upon the first day of the first month beginning after its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 27, 1963.

Time: 6:00 P. M.

Act No. 115 H. 172—Rast, Morrow, Etheredge, Vacca, Bailes, Gilmore, Bowers, Sessions, Perry, Collins, Hawkins, Bethea (M), Brown (Jefferson), Meeks, Locke, Bethea (B), Dominick

AN ACT

To authorize and provide for the collecting of a twenty-five cent application or issuance fee to be charged by Judges of Probate, License

Commissioners, Directors of the County Departments of Revenue, or other like public officer performing like duties relating to the application or issuance of motor vehicle licenses, drivers licenses or permits, marriage licenses, and transfers of motor vehicle licenses in all counties of 600,000 population or more in the last or any succeeding federal census, and, provided further, however, that no affidavit fee of twenty-five cents presently prescribed by law in said counties shall be collected for affidavits taken or required in the course of the application or issuance of licenses or transfers.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby authorized to be charged and collected by all Judges of Probate, License Commissioners, Directors of County Departments of Revenue, or other public officers performing like duties in all counties having 600,000 population or more in the last or any succeeding federal census, an issuance or application fee of twenty-five cents for the application or issuance of all motor vehicle licenses, drivers licenses or permits, marriage licenses, or transfer of motor vehicle licenses, in addition to all other application or issuance fees now authorized by law; and, provided further, however, that any affidavit fee of twenty-five cents presently authorized by law for affidavits required or made during the course of application or issuance of licenses, or the transfer of licenses mentioned herein, or other licenses required to be issued by such officers, shall not be charged or collected.

Section 2. The fees authorized under the provisions of this act shall be remitted by the Judges of Probate, license Commissioners, Directors of the County Departments of Revenue, or other public officer performing like duties, to the general fund of such county at the same time and in the same manner as other such fees are distributed and remitted.

Section 3. This act shall take effect on October 1, 1963.

Approved June 27, 1963.

Time: 6:01 P. M.

Act No. 116

H. J. R. 68—Goldthwaite, Little, Pierce,
Goodwyn

HOUSE JOINT RESOLUTION

WHEREAS, one of the foremost women speakers in the South today is Mary D. Cain of Summit, Mississippi, and

WHEREAS, her sparkling oratory is loud and clear for state and individual rights, and

WHEREAS, she is the owner and editor of the powerful weekly newspaper, THE SUMMIT SUN, and

WHEREAS, her wit and her Christian spirit evidenced in all her speeches has met with wide enthusiasm by all who have had the pleasure of hearing her,

NOW THEREFORE BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That Mary D. Cain be invited to speak to a joint session of the Legislature on Friday, July 12, 1963, at 10:30 A. M.

Approved July 9, 1963.

Time: 2:15 P. M.

Act No. 117 H. J. R. 31—Fite, Jones (Monroe), Martin,
Pruitt, Sessions.

HOUSE JOINT RESOLUTION

WHEREAS, The Honorable William Walter Garrett of Uriah, Monroe County, ably served for sixteen years in the Legislature of Alabama, being a member of both Houses prior to his untimely death in 1957; and

WHEREAS, Mr. Garrett rendered outstanding and valuable service particularly in the field of agriculture through his devotion, foresight, and skill in the advancement of the program throughout the State; and

WHEREAS, Mr. Garrett conceived, promoted, and by his valuable contributions as chairman of the House Committee on Agriculture, sponsored and brought into being, legislation providing for live stock coliseums throughout the State and for the State Coliseum in Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Coliseum in the City of Montgomery shall be named the Garrett Coliseum in memory of William Walter Garrett, and that the Agriculture Center Board shall cause an appropriate plaque to be attached thereto or installed therein.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of the late William Walter Garrett and to the Agriculture Center Board.

Approved July 10, 1963.

Time: 10:41 A. M.

Act No. 118

H. J. R. 67—Rogers

HOUSE JOINT RESOLUTION

Be it resolved by the House the Senate concurring that when the two Houses adjourn today they adjourn to meet again on Tuesday, June 25, 1963, and when they adjourn on Tuesday, June 25, 1963 they adjourn to meet again on Thursday, June 27, 1963.

Approved July 10, 1963.

Time: 10:43 A. M.

Act No. 119

H. J. R. 72—Brown (Tuscaloosa), Campbell
(Tuscaloosa), Callahan

HOUSE JOINT RESOLUTION

WHEREAS, T./Sgt. Amon Terrell Rushing, who had served honorably in both the Navy and the Air Force of this country for many years, with his wife and three children was on June 3 aboard a chartered plane in route to a new duty post, which might have been his last before retirement; and

WHEREAS, this plane crashed over the Gulf of Alaska about sixty miles west of Graham Island off the coast of British Columbia and, though Sergeant Rushing had been a member of a team which had rescued many survivors of similar crashes, no such team was able to rescue any of the passengers from this plane, and the whole Rushing family, along with the other members of the Air Force and their families, lost their lives in this fatal crash; and

WHEREAS, both Sergeant and Mrs. Rushing were natives of Tuscaloosa County and each leave survivors in such county; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we lament the tragic death of all these members of the Air Force and their families and particularly our Alabamians, The Rushings. We hereby express our deepest and heartfelt sympathy to their families in this great tragedy.

Approved July 10, 1963.

Time: 10:45 A. M.

Act No. 120

H. J. R. 73—Jones (Monroe)

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING,
That the resolution, HJR 31, which has passed both houses be designated and known as "The Fite, Jones (Monroe), Martin and Cooper (Wilcox) Resolution."

Approved July 10, 1963.

Time: 10:46 A. M.

Act No. 121

H. J. R. 74—Powell

HOUSE JOINT RESOLUTION

WHEREAS our children are the greatest and most indispensable asset of our state and nation; and

WHEREAS the Elmore County Band composed of one hundred sixteen members recently returned from the week long Virginia Beach Music Festival where they won first place in all three categories entered: concert playing, sight reading, and football show marching; and

WHEREAS these honors attest to the unusual ability, sustained effort and practice, and discipline of character necessary to accomplish this feat; and all of these qualities were duly recognized by the exacting contest judges: Dr. Paul Yoder, president of the American Bandmaster Association; Colonel Harold Bachman, band director of the University of Florida; and Mr. Roy Wood, past president of the Florida Music Education Association; and

WHEREAS these young people not only portrayed musical excellence, but also conducted themselves in such a manner as to merit favorable and admiring comment from all sides to the end that they have been invited to return as the honor band for exhibition playing next year and have also received an invitation to play in concert at the Washington, D. C. Cultural Center; and

WHEREAS the Elmore County Band was assisted in achieving this standard of excellence in large part through the skillful leadership of its director, Mr. Truman Welch, and his able assistants, Mr. Ben Carlton and Mr. Edd Jones and was enabled to make the trip through the many contributions and sacrifices of families and friends who realize the importance of encouraging our young people in such purposeful activities; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
That we congratulate the Elmore County Band on its excellence of performance, and the manner in which it conducted itself so as to bring honor to itself, its county and our state.

BE IT FURTHER RESOLVED, That we commend and thank the band director, his assistants, the families, friends, chaperones and all those who helped make this well deserved trip possible.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the following: The Tallassee Tribune, The Wetumpka Herald, Radio Station W. E. T. U., Radio Station W. T. L. S., Band Director George Truman Welch, Assistant Director Ben Carlton, Assistant Director Edd Jones, and each of the one hundred sixteen band members.

Approved July 10, 1963.

Time: 10:47 A. M.

Act No. 122

H. J. R. 75—Rast, Perry, Morrow, Etheredge,
Locke, Sessions

HOUSE JOINT RESOLUTION

WHEREAS, Dean Charles Manfred Thompson, dean emeritus of the University of Illinois College of Commerce and Business died on June 21, 1963 after having carved an illustrious career both in the academic world and in public service; and

WHEREAS, the life of Dean Thompson has been called a saga of America, a life unparalleled in its accomplishments and service, and in the period when the nation's most respected figures were business men, he assumed almost oracular proportions; and

WHEREAS, Dean Thompson will long be remembered with affection and gratitude by thousands of students whose lives were influenced by his teaching and wise counsel, many having been inspired to goals and achievements which cannot be fully chronicled but which will always be held in the hearts of many men who were influenced by him; and

WHEREAS, Dean Thompson's mind was one of exceptional capacity, able to recall a prodigious array of facts with a depth of insight that sorted them quickly into proper perspective and seasoned them with a priceless sense of humor, making him a highly revered and sought after advisor to all; and

WHEREAS, Dean Thompson's many accomplishments, lists of services, and academic honors would fill pages of history, he is best known to many friends in this state through his teachings and his fraternal associations, having been the last living founder of Phi Eta Sigma, freshman honor society to which he devoted forty years of active service, having served continuously as Grand President since 1939, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we learn with the deepest regret of the passing of Dean Charles Manfred Thompson and extend our sincerest sympathy to his family.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to his son Mr. Joseph M. Thompson, 1005 S. Westlawn C, Champaign—Urbana, Illinois, and to Dean James E. Foy, Grand Secretary of Phi Eta Sigma at Auburn University, and to the Phi Eta Sigma Chapter at the University of Alabama.

Approved July 10, 1963.
Time: 10:48 A. M.

Act No. 123

H. J. R. 76—Pruitt

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable Aubrey DeWitt Green has rendered outstanding service to this State as a member of the Legislature; and

WHEREAS, Senator Green has brought good will and honor to Alabama through his active participation and able leadership in the Lions Club having served with distinction as President of the York Lions Club, as District Governor, as a member of the Board of Directors, as Third Vice President, Second Vice President, and First Vice President of Lions International; and

WHEREAS, Senator Green has been recently elected President of Lions International in recognition of his outstanding services, bringing further honor and prestige to this State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Senator Green on his recent election to the highest office of this estimable fraternal organization and wish him continued success in his position as President of Lions International.

Approved July 10, 1963.
Time: 10:50 A. M.

Act No. 124

H. 250—Slate, Brewer

AN ACT

To regulate further the bail bond business in counties having populations of not less than 57,000 nor more than 61,000; amending Code of Alabama 1940, Title 15, Section 201.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 15, Section 201, as amended, is amended further to read as follows:

"Section 201. The qualifications of bail are, that each must be a resident of this state, and a householder and freeholder therein, and that each must be worth, exclusive of property exempt from execution, the amount expressed in the undertaking; but the court, magistrate, or officer, in taking bail, may allow more than two persons to justify severally as bail in amounts less than that expressed in the undertaking, provided the whole be equivalent to two sufficient bails; or the court, magistrate, or officer, in taking bail, in lieu of the foregoing, may allow a corporation, foreign or domestic, qualified to do a bonding business in this state, and authorized to execute the undertaking of bail, to execute such bail. Every person engaged in the business of making bail bonds and charging therefor, except corporations qualified to do a bonding business in this state, in addition to all other requirements of this section, shall be required to furnish a bond with corporate surety in the amount of twenty-five thousand dollars, (ten thousand dollars in all counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census), to be approved by the probate judge of each county in which such person engages in such business, conditioned to guarantee the payment of all sums of money that may become due the state or any political subdivision thereof by virtue of any judgment absolute being rendered against said person on a forfeiture of bail. Only one such bond shall be required in each county where such person does business, and the liability of the surety company executing a bond hereunder shall not exceed the face amount of such surety bond provided, however, that the bond may be cancelled as to any future liability at any time by the surety giving thirty days written notice of such cancellation to the probate judge of the county in which the bond is filed."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 10:53 A. M.

Act No. 125

H. 275—Steagall

AN ACT

Relating to counties having populations of not less than 31,000 nor more than 32,000, according to the most recent federal decennial census; prescribing further the fees allowed sheriffs in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 31,000 nor more than 32,000, according to the most recent federal decennial census, the sheriff shall be allowed by the county commissioners court to receive an amount not exceeding Two Hundred

Fifty Dollars per annum for impaneling grand juries, advertising and attending all elections, in his county, and for all other public services not otherwise provided for. The allowance provided for by this Act shall be paid out of the county treasury upon presentation to the county commissioners court of a verified account showing the items of service rendered, and shall be in lieu of the allowance for six hundred dollars per annum for such services which is provided for by Code of Alabama 1940, Title 11, Section 34, as amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Approved July 10, 1963.

Time: 10:51 A. M.

Act No. 126

H. 281—Hannah, Boston

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Florence in Lauderdale County are hereby altered, rearranged, and extended so as to include within the corporate limits of the city the following described territory situated in Lauderdale County, to-wit:

The Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 28, the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 28, the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 27, part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 27, part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 28, part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 28, all in Township 2 South, Range 11 West, Lauderdale County, Alabama, more fully described as follows, to-wit: Begin at the Southwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 28; thence North along the West line of the East $\frac{1}{2}$ of said Section 28, 2440 feet, more or less, to a point 200 feet South of the North line of said Section 28, and the center of Rasch Road; thence East, parallel with the North line of said Section 28 and the center of Rasch Road 1320 feet, more or less to the East line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 28; thence South along the East line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 28, 1120 feet, more or less to the North line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 28; thence East along the North line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 28, the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 27, and the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 27, 2665 feet, more or less to the West line of Forest Hills

Addition Subdivision; thence South 15 degrees 42 minutes East along the West line of Forest Hills Addition Subdivision 200 feet, more or less; thence South 11 degrees 57 minutes East along the West line of Forest Hills Addition Subdivision 1142 feet, more or less, to the South line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 27; thence West along the Half Section line 3242 feet, more or less, to the Northeast corner of the School Board Property; thence South 750 feet; thence West 734.16 feet; thence North 750 feet to the South line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 28; thence West along said South line 304 feet to the point of beginning, containing 166.5 acres, more or less.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 10:35 A. M.

Act No. 127

H. 282—Boston, Hannah

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County, so as to annex certain territory to the City.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Florence in Lauderdale County are hereby altered, rearranged, and extended so as to include within the corporate limits of the City the following described territory situated in Lauderdale County, to-wit:

Part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 2, Range 11 West, more fully described as beginning at the Northwest corner of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36; thence East along the center line of Cloyd Boulevard, 462 feet; thence at right angles, South 660 feet; thence at right angles, East 858 feet; thence at right angles, South 660 feet to the South line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 36; thence at right angles West with the South line of said Northwest $\frac{1}{4}$ of the said Southeast $\frac{1}{4}$ of said Section 36; 1320 feet to the Southwest corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 36; thence at right angles North with the West line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and the existing city limit line 1320 feet; to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 10:36 A. M.

Act No. 128 H. 287—Pennington, Reynolds, Baker (Madison)

AN ACT

To define and regulate the business of well drilling in Madison County; to provide for the issuance of well drilling licenses by the Madison County Judge of Probate; to provide for the filing of a bond by the applicant for such a license; to provide for the adoption of rules and regulations by the Madison County Health Department; to provide for the inspection of well drilling activities by the Madison County Health Officer; to provide for the revocation of licenses; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act the following words and phrases shall have the meaning ascribed to them in this section:

(a) The term "health officer" means the health officer of Madison County, or his authorized agent.

(b) The term "well drilling" means the penetration of the earth's surface by any means, such as hand digging, or impact or rotary drilling, for the purpose of penetrating to water bearing strata, or channels, to secure water for domestic, business or industrial use.

(c) The term "well driller" means any person, firm, or corporation engaged in the business or trade of well drilling.

(d) The term "well" means any man or machine constructed hole penetrating to the water bearing strata or cavity beneath the earth's surface.

Section 2. No person shall engage in the business, for compensation or consideration, of well drilling in Madison County after September 30, 1963, without first obtaining a license from the Judge of Probate of Madison County.

Section 3. An application for a license shall be in writing, under oath, in a form prescribed by the judge of probate, and shall contain the name, the address of the applicant, and if the applicant is a partnership or association, the name of every member thereof, and if a corporation, the name of every officer and director thereof. An application must also be accompanied by a certificate of proficiency issued by the Madison County Health Department attesting to the competence of the applicant.

Section 4. The applicant shall file with the judge of probate, concurrently with his application for a license, a surety bond in the penal sum of one thousand dollars (\$1,000), acceptable to the judge of probate, in which the applicant is the principal obligor.

Section 5. The bond required by section 4 of this act shall be executed by the applicant as principal and by a corporate surety qualified to do business as such in this state. The bond

shall run to Madison County for the use of Madison County or of any person who has a cause of action against the licensee under the provisions of this act. The aggregate liability shall not exceed the principal amount of the bond.

Section 6. The bond shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this act and of all rules and regulations made by Madison County Health Department pursuant to this act, and will faithfully perform all obligations and undertakings assumed in connection with the business licensed under this act, and will pay to Madison County or any person having a cause of action against the licensee, all money that becomes due and owing to such person from the obligor under the provisions of this act.

Section 7. An applicant, at the time of filing an application for a license under this act, shall pay to the judge of probate the sum of two hundred fifty dollars (\$250), if such applicant is a resident of Madison County, or the sum of three hundred fifty dollars (\$350), if the applicant is a nonresident of Madison County. The license fees collected hereunder shall be paid into a special fund of the county to be used in enforcing the provisions of this act.

Section 8. Licenses shall expire annually on the 30th day of September unless on or before the expiration date the licensee files an application for renewal in the form prescribed by the judge of probate and pays to the judge of probate the license fees as prescribed in section 7.

Section 9. The Madison County Health Department, in consultation with the State Health Department and the State Geologist, shall prescribe detailed regulations relative to the standards for well drilling so as to insure a water supply safe from potential or actual contamination with disease carrying bacteria, or domestic or industrial waste. To assure understanding of the prescribed regulations, the Madison County Health Department may hold meetings for the purpose of instructing well drillers and their employees in the proper methods for well drilling. A copy of the regulations shall be furnished to each applicant for a license.

Section 10. A well driller, before drilling a new well or before enlarging, recasing, or making other major alterations to an existing well, must secure a permit to perform such work from the Madison County Health Department. The well driller shall furnish the Department such information as may be required to enable the Department to determine that the work will not make available unsafe water. The well driller shall maintain a log of the well, which shall be furnished to the Department along with a certification by the well driller that he has complied with all laws and regulations in the performance of his work.

Section 11. The health officer may enter upon the premises where well drilling or other major alterations requiring a permit are in progress, at any reasonable hour, to observe the work being performed. The health officer may instruct the well driller as to the stage or stages of work at which he wishes to be notified, in order that critical stages of the work may be inspected.

Section 12. Upon completion of the work, the well driller shall notify the health officer, who shall make a final inspection of the work. If the work is found to have been satisfactorily performed, written notice of such fact shall be given to the well driller and to the owner of the property on which such well has been drilled, and a copy shall be filed in the Madison County Health Department office as a permanent record. In the event that the work is not performed in compliance with regulations prescribed pursuant to this act, the health officer shall notify the well driller in writing of such fact, together with such recommendations that he might make regarding how the well driller can comply with such regulations. A well driller failing to comply with the recommendations of the health officer within ten days after such notice shall be liable for prosecution under the provisions of this act, for damages by the property owner, and forfeiture of bond.

Section 13. Failure, after notice, to comply with the provisions of this act or regulations adopted pursuant thereto, shall be sufficient cause for revocation of the licensee's license by the health officer.

Section 14. Decisions of the health officer may be appealed to the Madison County Board of Health. In hearings before the board of health, the licensee shall be entitled to have witnesses appear in his behalf and he may have counsel represent him. Appeals may be taken from decisions of the Madison County Board of Health to the Madison County Court within thirty days after the final decision of the board of health.

Section 15. Any person convicted of violating the provisions of this act shall be guilty of a misdemeanor and punished as prescribed by law. Each day in violation of this act shall be a separate offense.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.
Time: 10:55 A. M.

Act No. 129 H. 317—Rast, Etheredge, Locke, Meeks, Bethea
(M), Vacca, Collins, Bailes, Hawkins,
Morrow, Gilmore, Bethea (B)

AN ACT

To authorize and empower the Board of Revenue, Court of County Commissioners or other like governing bodies of all counties having a population in excess of 600,000 according to the last or any subsequent federal decennial census to provide and furnish uniforms for the personnel of any county home, poor farm, or alms house, owned and operated by any such county.

Be It Enacted by the Legislature of Alabama:

Section 1: The Board of Revenue, Court of County Commissioners or other like governing body of all counties having a population in excess of 600,000 according to the last or any subsequent federal decennial census, is hereby authorized and empowered to provide and furnish uniforms for the employees of any county home, poor farm, or alms house owned and operated by the county.

Section 2: This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 10:56 A. M.

Act No. 130 H. 318—Rast, Etheredge, Locke, Meeks, Bethea
(M), Vacca, Collins, Bailes, Hawkins,
Morrow, Gilmore, Bethea (B)

AN ACT

To alter, extend and rearrange the corporate limits of the City of Birmingham, in the County of Jefferson, and State of Alabama, by the inclusion within the corporate limits of said city of certain additional territory now or formerly included within the City of Fairfield.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Birmingham, in the County of Jefferson and State of Alabama, are hereby altered, extended and rearranged so as to include within the corporate limits of said City of Birmingham all territory now within such corporate limits and also certain additional territory hereinafter described which is contiguous to the present corporate limits of said City of Birmingham, but presently located within the corporate limits of the City of Fairfield, Jefferson County, Alabama, and to alter and rearrange the corporate limits of said City of Fairfield so as to exclude said territory therefrom, and said territory being described as follows:

A parcel of land in the Northeast Quarter of the Southwest Quarter of Section 1, Township 18 South, Range 4 West, described as follows: Begin at the point of intersection of the centerline of 36th Street, Ensley, with the northwest line of Avenue D, Ensley, if extended southwesterly, which point is on the present city limit line between the City of Birmingham and the City of Fairfield; thence run northwest along said centerline and city limit line a distance of 933 feet to the southeast right-of-way line of the Birmingham Southern Railroad Company; thence run southwest along said right-of-way line a distance of 125 feet; thence turn an angle of 98 degrees, 17 minutes to the left and run southeast 416.35 feet; thence turn an angle of 2 degrees, 49 minutes, 40 seconds to the right and run southeast 316.50 feet; thence turn an angle of 5 degrees, 26 minutes, 20 seconds to the right and run southeast 205.84 feet to the northwest line of Avenue D, Ensley, if extended; thence run northeast 35 feet to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 10:57 A. M.

Act No. 131 H. 319—Rast, Etheredge, Locke, Meeks, Bethea (M), Vacca, Collins, Bailes, Hawkins, Morrow, B. Bethea, Gilmore

AN ACT

To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said city, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said city.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this act, the boundary lines of the City of Mountain Brook, Jefferson County, Alabama, be and the same are altered and re-arranged, so as to include within the corporate limits of said city of Mountain Brook, Jefferson County, Alabama, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said city, more particularly described as follows:

The Southeast quarter (SE¼) of Section Two (2), Township 18 South, Range 2 West.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.
Time: 11:00 A. M.

Act No. 132

H. 338—Sullivan

AN ACT

To alter and rearrange the boundaries of the Town of Gordo, Pickens County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Gordo, in the County of Pickens, be and the same hereby are altered and rearranged so as to include, in addition to that territory now within the Corporate Limits by Virtue of Ordinance No. 162 of December 6, 1955, the following described territory, to-wit:

20 Acres, more or less, which constitutes the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Northwest Quarter ($NW\frac{1}{4}$) of Section Eight (8), Township Twenty South (20 S) of Range Thirteen West (13 W), Pickens County, Alabama, and which is bordered on the East and South by said present Corporate Limit Line of the Town of Gordo.

Section 2. That all laws and parts of laws, either general or special, in conflict with the provisions of this act be and the same are hereby repealed.

Section 3. That this Act shall go into effect upon approval of the Governor of Alabama.

Approved July 10, 1963.
Time: 11:01 A. M.

Act No. 133

H. 423—Goodwyn, Pierce, Little, Goldthwaite

AN ACT

To amend Section 10, Act Number 250 of the Regular Session of the Legislature of the State of Alabama, 1959.

Be It Enacted by the Legislature of Alabama:

Section 1: Section 10, Act Number 250 of the Regular Session of the Legislature of the State of Alabama, 1959, shall hereafter read as follows:

"Section 10. All salaries payable under this Act which may be lawfully paid by the state under its general laws shall be paid by the state. All salaries which may not be paid by the state, under its general laws, shall be paid by the county. Provided, the local costs of operations of the family relations division of the circuit court shall be borne, share and share alike, by the county and the most populous city in the county. Such costs shall be paid by the county in the first instance, and the council, commission, or other like governing body of the city shall reimburse the county for its share."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 10:40 A. M.

Act No. 134

H. 429—Wood

AN ACT

Relating to Washington County; requiring the marking of certain county vehicles, and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. All trucks, pickups, and other like motor vehicles owned by Washington County and used by the road and bridge department in the several road districts of the county shall have painted, impressed, or affixed thereto, on each side thereof, in a conspicuous place, a marker in letters and figures at least four inches high, showing that the vehicle is the property of the county and designating the number of the district in which it is to be used and operated. After this Act takes effect, it shall be unlawful for any person to operate a vehicle belonging to the county which is required to be marked under this Act if the vehicle is not so marked.

Section 2. Whoever willfully violates this Act is guilty of a misdemeanor and shall be fined not less than \$25 and may be sentenced to hard labor or imprisoned for not more than 30 days, or both.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall take effect 60 days after the date of its enactment.

Approved July 10, 1963.

Time: 11:02 A. M.

Act No. 135

H. 430—Wood

AN ACT

To limit or restrict the jurisdiction of justices of the peace and notaries ex officio justice of the peace elected or appointed for any precinct in Washington County.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect, justices of the peace and notaries ex officio justice of the peace elected or appointed for or in any precinct of Washington County shall be divested and deprived of jurisdiction in all criminal and quasi-criminal cases, and shall have no power or authority to exercise any jurisdiction whatsoever in a criminal or quasi-criminal case, or to take complaints of public offenses committed within the county, or to issue warrants of arrest; and no such justice of the peace or notary ex officio justice of the peace shall have any jurisdiction over any garnishment or attachment proceeding in any civil case.

Section 2. This Act shall not apply to nor affect any case pending in any court on the effective date hereof.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first Monday in January, 1964.

Approved July 10, 1963.

Time: 11:03 A. M.

Act No. 136

H. 32—Burns, Nabors, Owens

AN ACT

To provide that all paid firemen in cities or towns with a population of not less than 50,000 and not more than 60,000 or more shall not be required to work in excess of 56 hours for any average week throughout the calendar year.

Be It Enacted by the Legislature of Alabama:

Section 1. No paid firemen in the fire department of any city or town in the State of Alabama with a population of not less than 50,000 or more than 60,000 according to the last or any subsequent federal decennial census, shall be required to work as such fireman in excess of fifty-six (56) hours in any average week of the calendar year; provided, however, nothing contained in this Act shall prohibit the chief of any such fire department from calling in off duty firemen to perform any services caused by an emergency created by fire or other casualty.

Section 2. The determination of such "average week" shall consist of adding the total number of hours worked by a fireman at the end of any calendar year and dividing the total by the number of weeks actually worked by such fireman in such calendar year.

Section 3. The provisions of this Act shall not apply to the chief of any such fire department.

Section 4. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 5. This Act shall become effective on signature of the Governor, otherwise as provided by law.

Approved July 10, 1963.

Time: 11:05 A. M.

Act No. 137

H. 435—Wood

AN ACT

To create a court of general sessions for Washington County in lieu of the inferior court created by Act No. 22, H. 201, Regular Session 1949, abolishing the inferior court, and conferring upon the court of general sessions jurisdiction in certain civil cases at law.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be established on the first Monday in January 1964 a court of general sessions for Washington County in lieu of the inferior court created by Act No. 22, H. 201, Regular Session 1949 (Acts 1949, pp. 33-35). The court of general sessions shall have and exercise the same jurisdiction as that conferred upon the inferior court by said Act of 1949, and as vested in county courts by general laws; and in addition the court shall have and exercise jurisdiction in all civil actions at law, except actions in ejectment, where the amount in controversy does not exceed \$1,000.

Section 2. The court of general sessions shall not be a court of record, and appeals from the judgments rendered by the court may be taken to the circuit court in the same way and according to the same procedure as appeals from justice of the peace courts.

Section 3. The first session of the court of general sessions shall be held on the first Monday in January 1964, in the courtroom of the courthouse, and a regular session of the court shall be held likewise every Monday thereafter following except when the courtroom is being used by the circuit court. Special sessions of the court may be held at any time, except on Sunday, as the judge of the court may direct.

Section 4. A judge of the court of general sessions shall be elected at the general election of state and county officers in 1968, and every six years thereafter. The judge shall hold office for six years from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. The judge shall possess the qualifications prescribed by law for judges of probate, and he must also be learned in law. Before entering upon the duties of his office he shall take the oath prescribed by law for judicial officers and give bond in the amount of \$5,000. The judge shall be entitled to compensation in the amount of \$5,000 a year, which shall be paid from the general funds of the county in equal monthly installments.

Section 5. The judge of the court of general sessions may appoint a clerk of the court, whose compensation, in an amount not exceeding \$150 a month, shall be payable from the general funds of the county. The clerk shall have and exercise the same powers and authority and perform the same duties in respect of the business of this court as county court clerks and circuit court clerks as provided by general laws. The clerk shall have the power to take complaints in misdemeanor cases and may issue warrants of arrest thereon; he may also issue search warrants in the same cases that justices of the peace are authorized to issue such writs. Before entering upon the duties of the office, the clerk shall take the constitutional oath of office and give bond payable to the county in such amount as may be fixed and determined by the governing body of the county.

Section 6. The judge of the court of general sessions may also appoint a bailiff. The compensation of the bailiff shall be \$7.50 a day for each day's attendance upon the court, and shall be paid from the general funds of the county on certificates signed by the judge.

Section 7. The sheriff of Washington County in person or by deputy shall serve and execute the processes of the court of general sessions and shall be entitled to the fees prescribed by general laws for sheriffs performing like services in the county courts or the circuit courts.

Section 8. Court costs shall be taxed and collected in criminal cases in the court of general sessions in the same way that costs are taxed and collected in the county courts under the general law, and in civil cases the costs shall be the same as in the circuit court. However, all court costs collected, except the fees, commissions, or allowances of the sheriff, and the fees of witnesses, shall be paid into the general fund in the county treasury.

Section 9. The laws and rules governing practice and procedure in the county courts and justice of the peace courts shall

apply in the court of general sessions. However, civil suits must be commenced by summons and complaint served on the defendant not less than 15 days before the return day thereof.

Section 10. The Governor of Alabama shall appoint the first judge of the court of general sessions with the advice and consent of the member of the House of Representatives of the Legislature representing Washington County, and shall in like manner fill any vacancy which occurs in the office. The first judge need not be learned in law as provided in Section 4.

Section 11. The Inferior Court of Washington County shall be abolished as of midnight before the first Monday in January 1964, and the transfer of its jurisdiction to the court of general sessions shall be accomplished in the manner prescribed by Code 1940, Title 13, Section 393, for the transfer of jurisdiction whenever a justice of the peace court is abolished.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved July 10, 1963.

Time: 11:08 A. M.

Act No. 138

H. 384—Etheredge, Rast, Perry, Hawkins, Collins, Bailes, Morrow, Brown (Jefferson), Locke, Meeks, Bethea (M), Vacca, Sessions

AN ACT

To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this act, the boundary lines of the City of Mountain Brook, Jefferson County, Alabama, be and the same are altered and re-arranged, so as to include within the corporate limits of said city of Mountain Brook, Jefferson County, Alabama, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said city, more particularly described as follows:

The Northeast Quarter of the Southwest Quarter of Section 11, Township 18 South, Range 2 West, Jefferson County, Alabama.

The Northwest Quarter (NW $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) and the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 14, Township 18 South, Range 2 West, Jefferson County, Alabama.

All of the Southwest Quarter (SW $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 11, Township 18 South, Range 2 West, Jefferson County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.
Time: 11:10 A. M.

Act No. 139

H. 438—Davis

AN ACT

To amend Section 10 of Act No. 17, H. 21, Regular Session 1957 (Acts 1957, p. 43), the Bibb County sales and use tax act, so as to provide further for the use of the revenues from the taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 17, H. 21, Regular Session 1957 (Acts 1957, p. 43), the Bibb County sales and use tax act, is hereby amended to read as follows:

"Section 10. Disposition of Revenues from Taxes herein Levied. The State Department of Revenue shall make an annual charge to Bibb County for collecting the taxes herein levied, such charge for each fiscal year to be an amount bearing the same relation, and standing in the same ratio, to the total amount of the taxes collected hereunder that the total cost during the same fiscal year of collecting the State Sales Tax and the State Use Tax bears to the total amount of the State Sales Tax and the State Use Tax collected during that fiscal year; and the said annual charge for each fiscal year shall be retained by the State Department of Revenue out of the taxes collected hereunder during September of the same fiscal year. The Commissioner of Revenue shall pay into the state treasury all taxes collected under this act, as such taxes are received by the Commissioner; and on or before the first day of each successive month (commencing with the month following the month in which the Commissioner makes the first collections hereunder), the Commissioner shall certify to the State Comptroller the amount of taxes

collected under the provisions of this act and paid by him into the state treasury for the benefit of Bibb County during the month immediately preceding the making of such certificate; provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Bibb County during each September, the Commissioner shall deduct from the taxes collected in said month the aforesaid annual charge of the department for that fiscal year. It shall be the duty of the Comptroller each month to issue his warrants on the State Treasurer, in the amount so certified by the Commissioner of Revenue as having been collected under this act and paid during the then preceding month into the state treasury, and payable as follows: (a) sixty percent (60%) of the amount so certified by the Commissioner of Revenue as having been collected under this act and paid into the state treasury during the then preceding month and shall be paid, and is hereby appropriated, to Bibb County Hospital Board, a public corporation organized in Bibb County under Act No. 46 adopted at the 1949 Regular Session of the Legislature of this State, and (b) the remaining forty percent (40%) of the amount so certified by the Commissioner is hereby appropriated for the school purposes hereinafter specified and shall be paid to the custodian of the public school funds of Bibb County. The sixty percent (60%) of the revenues from the taxes herein levied, which is required by this section to be paid to Bibb County Hospital Board shall be used for the following hospital and health purposes: (1) for payment of the principal of and interest on any securities that may be issued by Bibb County Hospital Board under any general law for the purpose of constructing and equipping a county hospital and a county health clinic in Bibb County, including any establishment of reserves for such payment or for redemption of any such securities, including payment of any premium in connection with any such redemption, and (2) any surplus of said sixty percent (60%) received by said Bibb County Hospital Board during any fiscal year, in excess of any amount that may be required for that fiscal year for the purposes specified in the preceding clause (1), may be used for constructing, equipping, enlarging, maintaining and operating said hospital and said health clinic. The forty percent (40%) of the said revenues from the taxes herein levied, required under this section to be paid to the custodian of county school funds in Bibb County, shall be used for constructing, rebuilding, enlarging, equipping and repairing public school buildings in Bibb County and for purchasing buses for the public schools of Bibb County."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.
Time: 11:12 A. M.

Act No. 140 H. 445—Rast, Locke, Bowers, Meeks, Vacca, Bethea (M), Bailes, Morrow, Gilmore, Dominick, Sessions, Bethea (B), Collins, Perry, Brown (Jefferson), Etheredge, Hawkins

AN ACT

To further amend Section 712 of Title 51, Code of Alabama 1940 as amended so that certain requirements do not apply in counties of over 600,000 population.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 712 of Title 51, Code of Alabama 1940 as amended be further amended so as to read as follows:

“Section 712. Remittance of moneys and certification of lists of motor vehicles by judge of probate.—Within ten days after the end of each month, the judge of probate must remit to the state treasurer at the expense of the state, all money received by him for motor vehicle licenses belonging to the state, and to pay to the county treasurer all the money received by him for motor vehicle licenses belonging to the county, and pay to the town or city treasurer all the money received by him for motor vehicle licenses belonging to the towns or cities, and within the same time the judge of probate shall forward to the comptroller and to the department of revenue each a certified list of all motor vehicle licenses issued by him, stating therein the amount collected for each license tag, the number of the tag, the motor number of the vehicle or vehicle identification number in lieu of the motor number and the serial numbers, the name and address of the owner, and the date of the issuance of said tag; provided, however, that in all counties having over 600,000 population according to the last or any subsequent federal census the date of issuance of said tag shall not be included in the certified list of all motor vehicle licenses issued; and if no licenses have been issued, he shall report that fact. Provided, however, that for the months of October, November and December of each calendar year the judge of probate shall be granted an additional period of ten days in which to make the remittances and certification of lists above specified and for such months shall be required to make such remittances and certification of lists within twenty days after the end of each of such months. The judge of probate shall be entitled to receive two and one-half per cent of the amount of money collected for motor vehicle licenses due the state, which he may deduct from his remittance to the state treasurer and he shall be entitled to the same amount as compensation for collecting motor vehicle licenses due the county, which amount he may deduct from the payment made by him to the county treasurer, and he shall be entitled to the same amount as compensation for collecting motor vehicle licenses due

the towns or cities, which amount he may deduct from the payment made by him to the town or city treasurer, but he shall not be allowed any commission on any money not remitted by him within ten days from the end of the month, except as otherwise provided herein with reference to the months of October, November and December of each calendar year for which months the judge of probate shall be entitled to the commissions herein provided if such remittances be made within twenty days after the end of each of such months. If the judge of probate fails to comply with the provisions of this section within five days after the date on which he is required to make such report, and to remit the money collected by him, the comptroller shall forthwith report the fact to the governor, who shall cite such judge of probate to show cause why he has not made report of the list of motor vehicle licenses and paid over the amount collected by him as required by law, and if such judge of probate fails to show sufficient cause for such failure, the governor shall direct the attorney general to institute impeachment proceedings against him before the supreme court.

Approved July 10, 1963.

Time: 10:37 A. M.

Act No. 141

H. 476—Meade

AN ACT

To authorize and provide for clerical assistants to the tax collector of Cherokee County; to provide for the selection, employment and discharge of such assistants, to fix their compensation and provide for the payment thereof out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue or other like governing body of Cherokee County is required, authorized and empowered to provide sufficient clerks deputies, and assistants to the tax collector of Cherokee County, but the tax collector shall select the said clerks, deputies and other assistants and shall fix their compensation. However, the combined salary or compensation of said clerks, deputies and assistants selected by the tax collector shall not exceed twelve hundred dollars (\$1200) per annum. The tax collector shall have the right to discharge the said clerks, deputies, and assistants at will. The salary or compensation of the clerks, deputies and assistants shall be paid out on requisitions signed by the tax collector from the general funds of Cherokee County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 11:21 A. M.

Act No. 142

H. 477—Meade

AN ACT

To authorize and provide for clerical assistants to the tax assessor of Cherokee County; to provide for the selection, employment and discharge of such assistants, to fix their compensation, and provide for the payment thereof out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue or other like governing body of Cherokee County is required, authorized and empowered to provide sufficient clerks, deputies and assistants to the tax assessor of Cherokee County, but the tax assessor shall select the said clerks, deputies and other assistants and shall fix their compensation. However, the combined salary or compensation of said clerks, deputies and assistants selected by the tax assessor shall not exceed eighteen hundred dollars (\$1800) per annum. The tax assessor shall have the right to discharge the said clerks, deputies and assistants at will. The salary or compensation of the clerks, deputies and assistants shall be paid out on requisitions signed by the tax assessor from the general funds of Cherokee County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 11:27 A. M.

Act No. 143

H. 479—Meade

AN ACT

To authorize and provide for clerical assistants to the circuit clerk of Cherokee County; to provide for the selection, employment and discharge of such assistants, to fix their compensation, and provide for the payment thereof out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue or other like governing body of Cherokee County is required, authorized and empowered to provide sufficient clerks, deputies and assistants to the circuit clerk of Cherokee County, but the circuit clerk shall select the said clerks, deputies and other assistants and shall fix their compensation. However, the combined salary or compensation of said clerks, deputies and assistants selected by the circuit clerk shall not exceed three thousand dollars (\$3,000) per annum. The circuit clerk shall have the right to discharge the said clerks, deputies, and assistants at will. The salary or compensation of the clerks, deputies and assistants shall be paid in equal monthly installments out of the general fund of Cherokee County upon separate warrants drawn in the same manner as other employees of Cherokee County are paid.

Section 2. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 11:30 A. M.

Act No. 144

H. 450—Jones (Monroe)

AN ACT

Relating to counties having populations of not less than 22,350 nor more than 24,500; authorizing county boards of education to furnish certain supplies and services heretofore furnished by the county governing bodies and relieving county governing bodies of the responsibility of furnishing such supplies and services.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of any county having a population of not less than 22,350 nor more than 24,500, according to the last or any subsequent federal decennial census, is

hereby authorized to expend public school funds for office space, furniture, office equipment, supplies, stationery, postage, forms, telephone bills, janitor service, fuel, lights and water required by the office of the county superintendent of education, and for the compensation of school census enumerators appointed by the county board of education to take the county school census, as provided by law.

Section 2. The county governing body is hereby relieved from furnishing any of the supplies or services enumerated in Section 1 of this Act to the county board of education or to the county superintendent of education, provided, however, that the county governing body may furnish office space for the county superintendent of education, his assistants, and clerical staff.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1963.

Time: 11:15 A. M.

Act No. 145

H. 376—Wood

AN ACT

Relating to Washington County, regulating further the insuring of certain public school buildings in the county, together with the equipment, furniture, fixtures, and other property of such buildings.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Washington County shall have the authority and is hereby authorized to insure any public school building within its jurisdiction and under its control which may be owned by the state or county or any city in the county, together with the equipment, furniture, fixtures and other property in any such building, for the insurable value thereof, with insurance companies of its own choosing and shall not be required to insure such property by or through either the State Insurance Fund or the State Department of Finance, any provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law July 15, 1963, under Section 125 of the Constitution, without approval by the Governor.

Act No. 146

H. 416—Fite

AN ACT

Relating to Marion County; regulating further the business of money brokers and persons who lend money on notes or mortgages or other personal security, prohibiting the issuance of licenses to such persons under the Alabama Small Loan Act, and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons engaged in the business of money broker, or lending money and taking security therefor by notes or mortgages or personal security, in Marion County, shall be subject fully to the general laws of this state relating to interest and usury as prescribed in Code 1940, Title 9, Chapter 6, regardless of the amount of the loan; and no person shall be licensed hereafter under the Alabama Small Loan Act (Act No. 374, H. 102, Regular Session 1959) to engage in the small loan business in Marion County.

Section 2. Whoever violates this Act is guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500 or imprisoned or sentenced to hard labor for not more than six months.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law July 15, 1963 under Section 125 of the Constitution without approval by the Governor.

Act No. 147

S. 110—Bentley

AN ACT

Relating to counties having populations of not less than 24,800 nor more than 25,400; to regulate the compensation of the superintendent of education of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 24,800 nor more than 25,400, according to the most recent federal

decennial census, the county superintendent of education shall be entitled to such compensation, not exceeding \$7,500.00 per annum, as the board of education may prescribe. However, the compensation of the superintendent of education shall be fixed and determined before he enters upon the term for which he was elected or appointed and shall not be increased nor diminished during the term.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1963.

Time: 9:17 A. M.

Act No. 148 S. J. R. 29—Givhan, Evans, Shelton, Smith, Bentley, Roberts, Carter, McDow, Robison (Pickens), Allen, Lolley, James, Wilson, Hammond, Dumas, McCain, Montgomery, Brannan, Clark, Mathews, Adams, Cooper, Edkins, Gilchrist, Hawkins, Hornsby, Horton, Lowe, Metcalf, Nichols, Oden, Reynolds, Robison (Montgomery), Taylor, Tyson and the Honorable James B. Allen

SENATE JOINT RESOLUTION

WHEREAS the Honorable Jesse Earl Speight beloved veteran secretary of the Senate passed away this morning at his home here in Montgomery; and

WHEREAS Mr. Speight first came to Montgomery as a clerk in the office of the Secretary of the Senate in 1915, was elected Secretary of the Senate in 1923, and reelected at each subsequent session until 1955 after which time he held the position on a tenure basis, making him the holder of the longest record of service; and

WHEREAS Mr. Speight by his efficiency and many kindnesses endeared himself to all members of the Legislature who will long remember him with much affection; now therefore

RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That we extend deepest sympathy to Mrs. Speight and the bereaved family of the deceased for their great loss. We mourn the passing of a dear friend and direct that a page of the journal of

each house be set aside in his memory and in appreciation of the splendid services rendered by him over the years.

RESOLVED FURTHER, That the members of the Senate shall attend the funeral and burial services in a body; and that a Senate committee shall be appointed to arrange appropriate memorial services for a later day.

RESOLVED ALSO, That the Senate do now adjourn in respect for our departed associate.

Approved July 19, 1963.

Time: 9:20 A. M.

Act No. 149 H. 11—Merrill, Cornett, Steagall, Etheredge,
 Jones (Monroe), Bevill, NeSmith,
 Goodwyn, Locke, Slate, Collins, Rogers,
 Burnham, Engel, Holladay, Downing,
 Teel, Mashburn, Bolton

AN ACT

To amend further Code of Alabama 1940, Title 13, §§ 31 and 33, relating to supernumerary justices of the supreme court.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 31 and 33 of Title 13, Code of Alabama 1940, as amended, are amended further to read as follows:

“Section 31. The chief justice or any associate justice of the supreme court may elect to become a supernumerary justice if he

“(a) has served for fifteen years as a justice of the supreme court or as a judge of the court of appeals, or both of them consecutively, the last twelve years of which has been continuous, and has reached or passed the age of sixty-five years; or

“(b) has served continuously for fifteen years as a justice of the supreme court or as a judge of the court of appeals or both together consecutively, and who is not less than sixty years of age, and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians; or

“(c) has served continuously for fifteen years as a justice of the supreme court or as a judge of the court of appeals, or both together consecutively and has attained age sixty-five less one year for each year of service in excess of fifteen; or

“(d) has served continuously for ten years as justice of the supreme court or as a judge of the court of appeals or both together consecutively and who is not less than seventy years of age; or

"(e) has served for twenty-four years as a justice of the supreme court or as a judge of the court of appeals, or both together consecutively, or for not less than four terms the last ten years of such service having been continuous.

"Such election by such supreme court justice shall be made by filing, while in the service, a written declaration with the governor, who, upon finding the existence of conditions as herein specified shall endorse his approval thereon.

"Section 33. Supernumerary justices of the supreme court shall hold office during good behavior and may be removed only by impeachment for the causes specified in section 173 of the Constitution. Each supreme court supernumerary justice shall receive a salary of seven thousand two hundred dollars (\$7,200) per annum which shall be payable out of the treasury as the salaries of other supreme court justices are paid. Such supernumerary justice, while serving on the supreme court, court of appeals or circuit court at the request of the chief justice or governor, as provided in section 32 of this title, shall receive an additional sum, during the term of such service at the rate of four hundred dollars (\$400) per month as an expense provision payable out of the treasury as the salaries of other supreme court justices are paid, upon a certificate of the chief justice of such service by the supreme court supernumerary justice at his request or that of the governor. Upon approval by the governor of an election by a supreme court justice, as authorized by section 31 of this title the office then held by him shall become vacant and the vacancy shall be filled as provided by article 6, section 158 of the Constitution."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved July 19, 1963.

Time: 9:17 A. M.

Act No. 150

H. 263—Goodwyn, Crawford, Turner
(Crenshaw)

AN ACT

To amend Code of Alabama 1940, Title 40, Section 1, relating to the appointment of commercial notaries public in each county of the State; providing for their appointment by the judges of probate of the several counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 40, Section 1, relating to the appointment of commercial notaries public in each county of the state is amended to read as follows:

"Section 1. A competent number of notaries public for each county shall be appointed and commissioned by the judges of probate of the several counties of the state and shall hold office for four years from the date of their commissions. The judges of probate shall collect a fee of \$1.00 for each such notary commission issued."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1963.

Time: 9:10 A. M.

Act No. 151

H. 265—Goodwyn, Crawford, Turner
(Crenshaw)

AN ACT

To amend Section 1 of Act No. 431, S. 155, Regular Session 1943 (Acts 1943, p. 400) further providing for the appointment of notaries public for the state at large.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 431, S. 155, Regular Session 1943 (Acts 1943, p. 400) relating to the appointment of notaries public for the state at large is amended to read:

"Section 1. A competent number of notaries public for the state at large shall be appointed and commissioned by the judges of probate of the several counties of the state, and shall hold office for four years from the date of their commission. Such notaries public for the state at large shall perform all the acts and exercise all authority now performed and exercised by notaries public under the general laws of the state of Alabama; the jurisdiction of such notaries public shall not be limited to the counties of their residence but shall extend to any county of the state. The judges of probate shall collect a fee of one dollar (\$1.00) for each such notary commission issued."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1963.

Time: 9:15 A. M.

Act No. 152 H. J. R. 84—Turner (Crenshaw), Etheredge, B. Bethea, Bailes, Bowers, Rast, Locke, Meeks, M. Bethea, Brown (Jefferson), Vacca, Gilmore, Sessions, Dominick, Hawkins, Collins, Perry, Morrow

HOUSE JOINT RESOLUTION

WHEREAS, MAJOR GENERAL WALTER J. (CRACK) HANNA, 0171549 is retiring as an active member of the Alabama National Guard on 31 December 1963, and

WHEREAS, General Hanna is now attending his last summer encampment as an active member of the Alabama National Guard and as Commander of Non-Divisional Units, Alabama National Guard, and

WHEREAS, General Hanna enlisted in the Alabama National Guard in 1919, was commissioned a Second Lieutenant in September 1922, promoted to First Lieutenant in April 1926, to Captain in January 1927 and served for thirteen years as Rifle Company Commander until he was promoted to Major in July 1940, he was promoted to Lieutenant Colonel, Infantry as Battalion Commander in January 1942 and to Colonel as Regimental Commander on 8 December 1942, and,

WHEREAS, General Hanna served on active duty with the 31st Infantry (Dixie) Division from 1940 to January 1944, and with the Division in the Southwest Pacific and Asiatic theatre until September 1945 and served on active duty until November 1946, and,

WHEREAS, General Hanna in December 1946 reorganized the 167th Infantry Regiment 31st Infantry Division, Alabama National Guard and served as Regimental Commander and in July 1948 was promoted to Brigadier General and assigned as Assistant Division Commander, and on 16 January 1951 was appointed Adjutant General of the State of Alabama and also entered active duty being relieved from active duty on 1 June 1951 to assume duty as Adjutant General, and,

WHEREAS, General Hanna has received numerous military decorations including the Silver Star, Legion of Merit, Bronze Star Medal, Air Medal and Distinguished Service Medal of Alabama, and,

WHEREAS, General Hanna's only son is an officer in the Alabama National Guard, and,

WHEREAS, General Hanna has distinguished himself as a businessman and manufacturer and in the civic affairs of his city, county and state, and,

WHEREAS, General Hanna was National Guard Commander in charge of all law enforcement activities in the Phenix City Cleanup in 1954, and brought order out of turmoil in that troubled area, and,

WHEREAS, General Hanna is known far and wide as "Mister Alabama National Guard," and is largely responsible for the present high standing of the Alabama National Guard, and,

WHEREAS, General "Crack" Hanna is held in the highest of esteem, both as a soldier and as a man, by the officers and men of the Alabama National Guard, and by all others who know him, and,

WHEREAS, General Hanna by his fidelity to the Alabama National Guard and to his State and Nation has reflected great credit on himself, this State and the Alabama National Guard;

NOW THEREFORE BE IT RESOLVED, by the Legislature of Alabama, both Houses concurring, that General Walter J. (Crack) Hanna is hereby commended for his exceptionally meritorious and distinguished service to this Nation, this State, and the Alabama National Guard, and,

BE IT FURTHER RESOLVED, that the Legislature of Alabama hereby recommends to His Excellency, Honorable George C. Wallace, Governor of the State of Alabama, that he appoint and commission General Hanna as a Lieutenant General in the Militia of the State of Alabama, and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor of Alabama, the Adjutant General of Alabama and to General Hanna.

Approved July 19, 1963.

Time: 9:25 A. M.

Act No. 153

H. J. R. 85—Perry, Morrow

HOUSE JOINT RESOLUTION

WHEREAS our Governor, Honorable George C. Wallace, appeared on yesterday before the Committee of the Senate of the United States charged with the duty of conducting hearings on the unfortunate civil rights proposals by the President to the Congress, and

WHEREAS our Governor spoke effectively, purposefully and persuasively for all of the people of Alabama, now

THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Legislature of Alabama support the Governor in his efforts to draw the attention of all the people of the United States of America to the real content of the civil rights legislation before the Congress, and

BE IT FURTHER RESOLVED that the Legislature prays that the wise and restrained counsel of Governor Wallace go not unheeded in America and the World.

Approved July 19, 1963.

Time: 9:30 A. M.

Act No. 154

S. 89—Carter

AN ACT

To regulate the compensation and allowances of members of the board of education of Marshall County and provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the county board of education of Marshall County shall receive a salary payable out of the public school funds of the county in the amount of \$100 a month. Such salary shall be his entire compensation for the performance of his official duties and he shall not receive any allowance for traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1963.

Time: 10:00 A. M.

Act No. 155

S. 119—Carter

AN ACT

To amend Section 2 of Act No. 114, H. 159, Special Session 1962, providing for compensation and expense allowances for members of the county board of education of counties of not less than 46,600 nor more than 49,050 population, so as to fix the mileage allowance for authorized travel of members at eight cents per mile.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 114, H. 159, Special Session 1962, Acts 1962, p. —, providing compensation and expense allowance for members of the board of education of counties of not less than 46,600 nor more than 49,050 population is amended to read as follows:

“Section 2. Members of the county board of education in any county to which this Act applies shall be entitled to a compensation of \$15.00 per day for each day's attendance at meetings of the board, together with any expense that may be reasonably incurred, including a mileage allowance of eight cents per mile that may be traveled each way to attend such meeting.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1963.

Time: 10:51 A. M.

Act No. 156 H. J. R. 82—McDermott, Edington, Engel, Rogers, Smith, Downing, Hogan, Fields

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable Vernol R. Jansen, Sr. has been summoned to his eternal reward by his Creator, having ably and faithfully served on earth the purpose of his creation, and

WHEREAS, during his life he had devoted his energies and abilities to the unselfish service of his fellow man, and

WHEREAS, the Honorable Vernol R. Jansen, Sr. gave unstintingly of his time and efforts to the people of his community in whatever manner he deemed that he could be of service, and

WHEREAS, he was a military veteran of World War I, having

enlisted in the First Alabama Cavalry in 1917 and served in France until January of 1919, and

WHEREAS, he was graduate of Marion Institute and the University of Alabama and had been admitted to the practice of law in the State of Alabama for over forty years, having served as President of the Mobile Bar Association in 1940, and

WHEREAS, throughout his life he was a devoted civic worker, having served as President of the Mobile Chapter, American Red Cross and Commander of the American Legion post in Mobile, and was founder of the national program of the American Legion known as Boys State, and

WHEREAS, during his professional career he held many important public positions, including that of County Attorney for Mobile County, and

WHEREAS, at the time of his death he was serving his seventh year as Judge of Probate of Mobile County, having been twice elected to that position, and

WHEREAS, as Judge of Probate, he was known for his scholarly and diligent approach to the law, the profession which he loved so well, and was respected for the honesty, impartiality and efficiency with which he conducted that office, and

WHEREAS, the Honorable Vernol R. Jansen, Sr. was held in the highest esteem by the people of this State, lawyers and laymen alike, as being a man of unimpeachable character, imbued with love of his country and a true patriot, and

WHEREAS, his passing is deeply mourned by persons in all walks of life and by the members of the Legislature, now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the members of the Legislature do hereby express their deep regret at the passing of the Honorable Vernol R. Jansen, Sr. and extend their sincere sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED that in grateful appreciation of his service to his State, his nation and his fellow man, this Resolution be spread upon the pages of the Journal and that a copy hereof be sent forthwith to his family.

Approved July 19, 1963.

Time: 10:02 A. M.

Act No. 157

S. 236—Tyson

AN ACT

Proposing an amendment to the Constitution regulating the power of municipalities of Mobile County to levy certain privilege license taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part thereof when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

Proposed Amendment

No incorporated municipality in Mobile County shall have power to levy, impose, or collect a privilege license tax upon or in respect of the employees of an employer which is measured by or based on income derived from wages, salaries, commissions, or bonuses, for personal services rendered, unless the levying thereof shall have been authorized before the enactment of such ordinance by a vote of the duly qualified electors of the city or town at an election held for such purpose, in the manner prescribed by the city or town council or commission.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate June 25, 1963.

Passed the House July 23, 1963.

 Act No. 158

H. 133—Teel

AN ACT

To amend the Title and Section 1 of Act No. 68, H. 92, First Special Session 1956 (Acts 1956, p. 101), entitled "An Act to fix the compensation of members of the court of county commissioners, board of revenue, or like governing body of all counties having a population of not more than 11,900, according to the last or any subsequent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. The title to Act No. 68, H. 92, First Special Session 1956 (Acts 1956, p. 101) an act fixing the compensation of the members of the court of county commissioners, board of revenue or like governing body of certain counties classified according to population is amended to read: "An Act To fix the compensation of members of the court of county commissioners, board of revenue, or like governing body of all counties having a population of not more than 10,900, according to the last or any subsequent federal decennial census."

Section 2. Section 1 of said Act No. 68, H. 92, First Special Session 1956 (Acts 1956, p. 101) is amended to read:

"Section 1. The members of the court of county commissioners, board of revenue, or like governing body of any county having a population of not more than 10,900, according to the last or any subsequent federal decennial census, shall be entitled to receive a salary of four thousand two hundred dollars (\$4,200) per annum, payable in equal monthly installments, out of any funds in the county treasury available for such purpose according to law. The salary herein provided for shall be the entire compensation of each member for the performance of his official duties."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:46 P. M.

Act No. 159

H. 352—Nabors, Burns, Owens

AN ACT

To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Boundary lines of the City of Gadsden, Etowah County, Alabama, be, and the same are altered or rearranged so as to include within the corporate limits of said City

all territory now within such corporate limits and also certain other territory in Etowah County, Alabama as hereinbelow set out, all of which territory lying within the County of Etowah, State of Alabama, and said additional territory being particularly described as follows, to-wit:

A parcel of land described as beginning at a point in the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 22 which intersects the East line of that certain tract conveyed to the Gadsden Country Club by Otto Agricola and wife, Kay H. Agricola by deed dated December 1, 1919 and recorded in Deed Record "3V", Page 361 in the Probate Office, Etowah County, Alabama, and from thence run in a Northerly direction along the East line of said Gadsden Country Club property to a point in the South line of Whortons Bend Road; thence in an Easterly direction along the Southerly line of said road to a point where the same intersects the East line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section 22; thence in a Southerly direction along the East line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) to the Southeast corner thereof; thence in a Westerly direction along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) to the Southwest corner thereof; thence in a Westerly direction along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) to the point of beginning, and embracing a portion of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) and the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), in Section Twenty Two (22), Township Twelve (12) South, of Range Six (6) East of the Huntsville Meridian, and lying and being in Etowah County, Alabama;

Also a parcel of land described as beginning at the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), which is also the southwest corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$), Section Thirty-three (33), Township Eleven (11) South, Range Six (6) East, of the Huntsville Meridian, Etowah County, Alabama; thence run in an easterly direction along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Thirty-three (33) to the Southeast corner of said Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$); thence in a northerly direction along the East line of said Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) to a point where said line intersects the Southeast line of Block Eight (8) of Mountain Brook Addition No. 3 as the same appears in Plat Book "E", Pages 80 and 81, Probate Office, Etowah County, Alabama; thence in a northeasterly direction along the Southeast line of said Block Eight (8) of said Mountain Brook Addition to the north line of said Block; thence in a westerly direction along the North

line of Block Eight (8), Block Eleven (11) and Block Ten (10) of said Mountain Brook Addition to the northwest corner of said Block Ten (10); thence in a southwesterly direction along the Northwest lot line of Block Ten (10) of said Mountain Brook Addition to a point where the North line of said Block Ten (10) intersects the West line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Thirty-three (33); thence in a southerly direction along said West line to the point of beginning and embracing portions of the North Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) and portions of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Thirty-three (33), Township Eleven (11) South, Range Six (6) East;

And also the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Twenty-four (24) Township Eleven (11) South, Range Six (6) East of Huntsville Meridian;

And also a parcel of land described as commencing at a point where the North line of Block "A" in Clubview Heights Second Addition as the same appears in plat recorded in Plat Book "G", Page 71 in the Probate Office of Etowah County, Alabama intersects the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty-One (21) in Township Twelve (12) South, Range Six (6) East of Huntsville Meridian, and from thence run in an Easterly and Southeasterly direction and along the North and Northeasterly lines of said Block "A" to the Northeast corner thereof; thence in a Southeasterly direction in a direct line to the Northeasterly corner of Block "E" in said Clubview Heights Second Addition; thence in a Southeasterly direction along the Northeast line of said Block "E" and said line produced, to a point in the Northwest right-of-way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive; thence in a Southwesterly direction and along the Northwest right-of-way line of said Highway to the Point where said Northwest right-of-way line of said Gadsden-Birmingham Highway, otherwise known as Rainbow Drive, intersects the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty-One (21), Township Twelve (12) South, Range Six (6) East of Huntsville Meridian; thence run in a northerly direction and along the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty-One (21) to the point of beginning;

and also the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-two (32), and the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Thirty-three (33), all in Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian, Etowah County, Alabama.

Section 2. That the parcels of land set out in Section 1 of this Act be, and the same are hereby included and embraced within the boundary of the City of Gadsden and shall be and constitute a part of the City of Gadsden, Etowah County, Alabama.

Section 3. That all laws and parts of laws both general, special, and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. That this Act shall go into effect immediately upon its approval by the Governor.

Approved July 25, 1963.

Time: 4:50 P. M.

Act No. 160

H. 387—Baker (Madison), Reynolds,
Pennington

AN ACT

Relating to Madison County; authorizing the sheriff to appoint deputies as needed, whose compensation may be paid by the county; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Madison County may appoint such number of deputies in addition to his chief deputy as he may find necessary for efficient performance of the duties of his office, and the court of county commissioners, board of revenue, or other like county governing body may provide for the payment of their compensation, in whole or in part, out of any funds of the county not otherwise appropriated.

Section 2. All laws or parts of laws in conflict with this Act, including Act No. 132, S. 263, Regular Session 1943 (Local Acts 1943, p. 66), Act No. 468, H. 897, Regular Session 1947 (Local Acts 1947, p. 328), and Act No. 215, S. 255, Regular Session 1953 (Acts 1953, v. 1, p. 282), as amended by Act No. 30, H. 24, First Special Session 1959 (Acts 1959, v. 1, p. 69), are hereby repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved July 25, 1963.

Time: 4:51 P. M.

Act No. 161

H. 446—Rast, Locke, Bowers, Meeks, Vacca, Bethea (M), Bailes, Morrow, Gilmore, Dominick, Sessions, Bethea (B), Collins, Perry, Brown (Jefferson), Etheredge, Hawkins

AN ACT

To vacate certain streets, avenues and alleys, and other public ways in part of the area in the City of Birmingham known as Urban Renewal Project Ala. R-22, occupying part of the area West of Avenue "V", North of Pike Road, East of Avenue "J" and South of Twentieth Street, Ensley.

Be It Enacted by the Legislature of Alabama:

WHEREAS, the HOUSING AUTHORITY OF THE BIRMINGHAM DISTRICT owns all of the land more particularly herein-after described, (except the South 200 feet of the E½ of Block 22-J in the Ensley Land Company's 8th Addition to Ensley, and except Lot 4 in Block 12 in Finney & Jones Survey); and said land described herein is a portion of the Urban Renewal Project known as Ala. R-22, which the HOUSING AUTHORITY OF THE BIRMINGHAM DISTRICT proposes to re-plat and open up for redevelopment in accordance with the provisions of the Redevelopment Act; and,

WHEREAS, some of the Streets and other public ways in said area were dedicated by means other than the statutory method of dedication.

Section 1. The dedication of all streets, avenues, alleys and other public ways in the City of Birmingham, Jefferson County, Alabama, lying within the boundaries of the following described tract of land in said City, namely:

All of the Streets, Avenues and Alleys lying within the following boundary:

Parcel I.

BEGIN 50 feet South of the Northeast corner of Lot 23 in Block I in Tuxedo Park Survey as recorded in Map Book 4, Page 32, in the office of the Judge of Probate of Jefferson County, Alabama, at a point on the West line of the alley which runs North and South through said Block; thence South along the West line of the alley which runs North and South through said Block I to the North line of 21st Street, Ensley; thence continue in a straight line to the Northeast corner of Lot 13 in Block 21 in the First Addition to Tuxedo Park as recorded in Map Book 4, Page 65, in said Probate Office; thence in a Southwesterly direction along the Northwesterly line of the alley to the South corner of Lot 19, Block 21 in the First Addition to Tuxedo Park; thence in a straight line to the Southeast corner of Lot 1, Block 20 in the First Addition to Tuxedo Park; thence West along the South line

of Lot 1 and the South line of Lot 31 in Block 20 in the First Addition to Tuxedo Park to the Southwest corner of Lot 31, Block 20 in the First Addition to Tuxedo Park; thence North along the East line of Avenue "T" to the intersection with the North line of 22nd Street, Ensley, extended Eastwardly to the point of intersection; thence West along the North line of 22nd Street, Ensley, to the Southwest corner of Lot 10, Block 19 in the First Addition to Tuxedo Park; thence in a Northwesterly direction to the Southeast corner of Lot 8 in H. W. Luther's Survey as recorded in Map Book 6, Page 95, in said Probate Office; thence South of West along the South line of Lots 8 and 7, H. W. Luther's Survey, and Lots 3 and 4 in J. S. Falkner's Survey as recorded in Map Book 7, Page 13 in said Probate Office and along the South line of Blocks 3 and 5 in the Ensley Land Company's 7th Addition to Ensley as recorded in Map Book 5, Page 43, in said Probate Office, to the East line of Lot 10 in Robinson's Addition to Ensley as recorded in Map Book 17, Page 23, in said Probate Office, extended North to the point of intersection; thence South along the East line of Robinson's Addition to Ensley a distance of 184.57 feet to the Southeast corner of Lot 7 in Robinson's Addition; thence West along the South line of Lot 7 in Robinson's Addition to the East line of Ensley Avenue; thence North along the East line of Ensley Avenue 96.38 feet to the intersection with the North line of 22nd Street extended to the point of intersection; thence West along said line to a point 15 feet West of the Southwest corner of Lot 1, Block "B" Palmer Terrace, as recorded in Map Book 6, Page 49, Map Book 6, Page 103, Map Book 7, Page 18, in said Probate Office; thence North along the West line of the alley which runs along Block "B" Palmer Terrace to the North line of 21st Street, Ensley; thence East along the North line of 21st Street, Ensley, 61.28 feet to the West line of an alley; thence North along the West line of said alley to a point 15 feet South of the Southeast corner of Lot 7 in Day & Ryan Addition to Ensley, as recorded in Map Book 5, page 142, in said Probate Office; thence West along the West line of said alley and the extension thereof 297.70 feet; thence West of North along the East line of the Tuxedo Court Housing Project, Ala. 1-8, 100.59 feet, more or less, to the South line of 20th Street, Ensley; thence East parallel with and 50 feet South of the South line of 20th Street, Ensley to the point of beginning;

Parcel II.

BEGIN at a point on the North line of 22nd Street, Ensley, which lies 15 feet West of the Southwest corner of Lot 1, Block "B", Palmer Terrace Addition to Ensley as recorded in Map Book 6, Page 49, Map Book 6, Page 103, Map Book 7, Page 18 in the office of the Judge of Probate of Jefferson County, Alabama; thence South to the Northeast corner of Lot 14, Block "A" in Palmer Terrace Addition to Ensley; thence South along the East

line of said Lot 14 and along the East line of Lots 17, 18 and 19 in said Block "A" to a point to where the alley turns in a Southwesterly direction; thence in a Southwesterly direction along the Northwest line of said alley to the South corner of Lot 20 in Block "A" in Palmer Terrace Addition to Ensley; thence in a straight line to the North corner of Lot 5 in Block 1 in Agent's Land Company's Addition to Burgin Place as recorded in Map Book 6, Page 98, in said Probate Office; thence South along the East line of Lots 5 and 6 in Block 1 in said survey of Burgin Place to the Southeast corner of said Lot 6; thence West along the South line of Lot 6, 79.59 feet to the East line of an alley; thence in a Northwest direction along the East line of said alley to a point where said alley turns in a Southwesterly direction; thence in a Southwesterly direction along the Northwesterly line of said alley to the Southeast corner of Lot 7, Block 1, John A. Burgin's Second Addition to Ensley as recorded in Map Book 14, Page 95, in said Probate Office; thence West along the South line of said Lot 7 to the Southwest corner of said Lot 7; thence in a Northwesterly direction along the Southwesterly line of Lots 7, 2 and 1 in Block 1, in John A. Burgin's Second Addition to Ensley and along the extension thereof and to the intersection with the South line extended Eastwardly to the intersection of the 10 foot alley which runs along the South side of Block 1 in E. T. Field's Second Addition to Ensley as recorded in Map Book 8, Page 43 in said Probate Office; thence West along the South line of said alley to a point due South of the Southwest corner of Lot 1, Block 1 in E. T. Field's Second Addition; thence North to the Northwest corner of Lot 78 in Tuskegee Place as recorded in Map Book 9, Page 65 in said Probate Office; thence continue North to the North line of 22nd Street, Ensley; thence East along the North line of 22nd Street, Ensley, to the point of beginning;

Parcel III.

BEGIN at the Northeast corner of Lot 12, Block 22-K in Ensley Land Company's 8th Addition to Ensley as recorded in Map Book 5, Page 25, in the Office of the Judge of Probate of Jefferson County, Alabama; thence in a Southwest direction in a straight line to the most Southerly corner of Lot 7, Block 22-K which point is on the North side of 23rd Street, Ensley; thence in a direction North of West along the North side of 23rd Street, Ensley, to the Southwest corner of Lot 13 in Block 22-J, Ensley; thence in a Northeast direction in a straight line to the Northwest corner of Lot 18, Block 22-J, Ensley; thence in a Southeasterly direction to the point of beginning;

is hereby vacated and annulled and all of the streets, avenues, alleys, public highways and public passageways through said tract of land shall forever cease to be public streets, alleys, avenues or highways and all right of the public as a result of any dedication of streets, avenues, alleys and other public passage-

ways into, through, over, on or across said tract of land is hereby relinquished and abandoned. Such vacation shall be subject to the rights of existing public utilities on such streets, avenues, alleys, public highways and public passageways to operate, repair and maintain their lines as now located.

Section 2. Without limiting the generality of the provisions of Section 1 hereof, it is the intention of the Legislature hereby to annul and vacate the dedication of all streets, avenue, alleys and other public ways lying in the area described in Section 1 hereof which are included in any part of the following recorded Subdivision:

Agent's Land Company's Subdivision of Burgin Place as recorded in Map Book 6, Page 98;

John A. Burgin's Second Addition to Ensley as recorded in Map Book 14, Page 95;

Day & Ryan Addition to Ensley as recorded in Map Book 5, Page 142;

Ensley Land Company's 7th Addition to Ensley, as recorded in Map Book 5, Page 43;

Ensley Land Company's 8th Addition to Ensley, as recorded in Map Book 5, Page 25;

Falkner Survey in Ensley as recorded in Map Book 7, Page 13;

E. T. Field's Addition to Ensley as recorded in Map Book 5, Page 139;

E. T. Field's Second Addition to Ensley as recorded in Map Book 8, Page 43;

Finney & Jones Survey as recorded in Map Book 1, Page 301;

H. W. Luther Addition to Ensley as recorded in Map Book 6, Page 95;

Palmer Terrace Addition to Ensley as recorded in Map Book 6, Page 49, Map Book 6, Page 103, Map Book 7, Page 18;

Pegram and Meade's Subdivision, as recorded in Map Book 14, Page 58 of Block 21 and the East half of Block 20 in the First Addition to Tuxedo Park;

Robinson's Addition to Ensley Highlands as recorded in Map Book 17, Page 23;

Steel City Realty Company's First Addition to Ensley as recorded in Map Book 6, Page 88;

Tuskegee Place as recorded in Map Book 9, Page 65;

Tuxedo Park as recorded in Map Book 4, Page 32;

First Addition to Tuxedo Park as recorded in Map Book 4, Page 65;

All being recorded in the Office of the Judge of Probate of Jefferson County, Alabama, in the Map Book and Pages hereinabove indicated.

Section 3. All laws and parts of laws, local, general and special, in conflict with this Act, are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor.

Approved July 25, 1963.

Time: 4:56 P. M.

Act No. 162

H. 448—Engel, McDermott, Downing, Hogan, Rogers, Fields, Smith, Edington

AN ACT

To apply in Mobile County, Alabama, and requiring the payment to Mobile County by payment to the License Commissioner of Mobile County; in addition to all other licenses and taxes required by law, save as specifically in this Act excepted; of a license tax equal to four cents on each twelve fluid ounces, or fractional part thereof, of malt or brewed beverages sold, distributed, delivered, or taken out of storage, within such County; to provide for the payment of such license tax and to provide the machinery for the collection thereof and the operation of this Act; and to provide for the distribution of the proceeds of such license tax; and to provide for the enforcement of this Act, and prescribe penalties and fix punishment for the violation of any of the provisions of this Act; and to provide for the confiscation and destruction of malt or brewed beverages and their containers when distributed, offered for sale, or possessed by a retail dealer, which do not have affixed a decal or other device indicating the payment of the license tax levied by this Act; and to repeal Act No. 415 of the Acts of the Legislature of Alabama of 1947, published in the local Acts of Alabama of 1947 at pages 265-270; as amended by Act No. 622 of Acts of the Legislature of Alabama of 1951, published in the Acts of 1951 at pp. 1074-1076; and to declare ineffective, determined and at an end, all ordinances, presently existing, of any and all municipal corporations in the said County of Mobile levying and providing for the collection of a license tax on malt or brewed beverages.

Be It Enacted by the Legislature of Alabama:

Section 1 This Act shall apply only in Mobile County and, except as in this Act is otherwise provided, shall not have the effect of altering or repealing in any wise any statute now in effect, but shall be in addition to and cumulative of all laws now in effect, except that statute and those ordinances which are by this Act expressly repealed and superseded, as is herein-after set out.

Section 2 When used in this Act, the words, terms and phrases hereinafter defined, shall have the meanings in this section declared.

(a) The word "person" means and includes every natural person, firm, partnership, corporation, club, company, trustee, agency or association, and any agent, servant, employee or officer thereof.

(b) The term "distributor" and the term "seller", each shall mean and include any person (as the word "person" is herein defined) who is engaged in the business of selling, distributing, delivering, or taking out of storage for sale in Mobile County, malt or brewed beverages (as the words "malt or brewed beverages" are herein defined) within the County of Mobile; provided however that the terms "distributor" and "seller" shall not mean nor include the Alabama Alcoholic Beverage Control Board nor the members, officers, employees or agents thereof, while engaged in the performance of their duties under the Alabama Beverage Control Act, nor any liquor store or warehouse established, operated and maintained by the said Alabama Alcoholic Beverage Control Board under the laws of Alabama setting up and defining the duties of the said Board.

(c) The term "association" shall mean a partnership, limited partnership or any form of unincorporated enterprise owned or operated by two or more persons.

(d) "Corporation" shall mean a corporation or joint stock company or association organized under the laws of this State, of the United States or of any other State, territory or foreign country or dependency.

(e) The term "club" shall mean a corporation or association organized or formed in good faith by authority of law and which has at least one hundred and fifty (150) paid up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a social, patriotic, political or athletic nature, or the like, but not for pecuniary gain and the property and use of the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food is habitually served. The club shall have regular meetings, operate its business through officers regularly elected, admit members by written application, and on ballot, and must charge and collect dues from the elected members.

(f) The phrase "malt or brewed beverages" means and includes any beer, lager beer, ale, porter or similar fermented malt liquor containing one-half of one per cent, or more, of alcohol by volume, by whatever name the beverage may be called.

(g) "Municipality" or "municipal corporation" shall mean any incorporated city or town in Mobile County.

(h) "Package" shall mean any container or containers or receptacle or receptacles used for holding malt or brewed beverages as marketed by the manufacturer or producer thereof.

(i) "Manufacturer or producer" shall mean any person, association or corporation engaged in producing, bottling and offering for sale for public consumption, malt or brewed beverages.

(j) The words "sale" and "sell" shall include any transfer of malt or brewed beverages for a consideration, and any gift in connection with or as a part of a transfer of property other than malt or brewed beverages for a consideration.

(k) The phrase "wholesaler, distributor or jobber" means and includes any person licensed by the Alabama Alcoholic Beverage Control Board to engage in the sale and distribution, within this State, at wholesale only, of malt or brewed beverages of an alcoholic content not in excess of four per cent by weight and five per cent by volume.

(l) "Retailer" means and includes persons, licensed by the said Alabama Alcoholic Beverage Control Board to engage in the retail sale of malt or brewed beverages of alcoholic content not in excess of four per cent by weight and five per cent by volume, to be consumed on the premises or to be carried or delivered to the address of purchaser.

Section 3.

(a) Every distributor or seller of malt or brewed beverages shall, in addition to all other taxes and licenses now imposed by law, save as hereinafter specifically excepted, pay a license tax to Mobile County, by payment to the License Commissioner of Mobile County, and a license tax is hereby levied, fixed and created which shall be a sum and amount equal to four cents on each twelve fluid ounces, or fractional part thereof, of malt or brewed beverages sold, distributed, delivered, or taken out of storage for sale within Mobile County; provided however that where the license tax hereby levied and required to be paid shall have been paid already by a distributor or seller of malt or brewed beverages, such payment shall be sufficient, the intent being that such license tax hereby required to be paid, shall be paid but once on the same identical beverage.

Section 4 The license tax required by this Act to be paid, shall be paid to the License Commissioner who shall make distribution thereof in the fashion hereinafter prescribed.

Section 5 The method of collection by and payment to the License Commissioner of this license tax shall be accomplished in this fashion:

(a) The License Commissioner; by requisition to and upon the County Commission of Mobile County in the same way that other supplies, necessary to the conduct of the office, are procured; shall procure decals or other devices susceptible of being affixed, with measurable permanence, to the containers of the said malt or brewed beverages, to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the four cents tax levied by this Act; and procure and furnish to the License Commissioner such forms and other printed matter and material as may be necessary in the administration of this Act. To reimburse the County Commission of Mobile County for the cost and expense incurred by it in procuring and furnishing to the License Commissioner the said decals or other devices, and forms and other matter furnished by the County Commission to the License Commissioner and for the additional clerical help as herein provided for; the License Commissioner shall deduct, from the gross amount of tax, collected as in this Act provided for, at each tax-distribution period, the cost and expense incurred by the County Commission of Mobile County in procuring and furnishing, to the License Commissioner, the decals or other devices contemplated by this Act as to be affixed to the containers of malt or brewed beverages, the cost of forms and connected matter hereinbefore provided for, and the cost of the additional clerical help hereinafter provided for, and shall pay over such deduction to the County Commission of Mobile County. In order to enable adequate compliance by the License Commissioners with the duties imposed upon him by this act, the License Commissioner is authorized to employ additional clerical help, but the cost of such additional clerical help shall not exceed the salary of one clerk of this type established by the salary scale set up by the Personnel Board of Mobile County under the Mobile County Civil Service, or Merit System. To enable proper determination of such cost and expense the County Commission of Mobile County shall cause to be kept accurate and full account of such cost and expense and shall furnish the figures and data therefrom to the License Commissioner as the basis for the periodical payments thereof provided by this Act. These decals or other devices shall be furnished by the License Commissioner to each seller, distributor, or taker out of storage of malt or brewed beverages, upon his request therefor and payment to the License Commissioner of the amount of tax corresponding to the decals or other devices that he procures from the License Commissioner, less the twelve per cent (12% discount hereinafter provided for); provided, however, that such decals or other de-

vices shall be sold and furnished to wholesalers only. The said requests for decals or other devices; by a distributor, seller or taker out of storage of malt or brewed beverages; shall be made on a form to be prescribed and furnished by the License Commissioner through requisition to and upon the County Commission of Mobile County. Each distributor, seller or taker from storage must affix to each container the appropriate decals or other devices before the same is taken from storage, sold or delivered.

(b) The amount distributed by the License Commissioner to the several recipients of the tax as hereinafter provided for, shall be, as to each recipient of the tax, that recipient's proportionate part of the net proceeds of the sale by the License Commissioner of the said decals or other devices affixed to containers of malt or brewed beverages sold or distributed in the area of the respective tax recipient; such net proceeds to be determined as hereinafter prescribed.

Section 6 The net proceeds of the said license tax collections shall be distributed as follows:

(a) To each municipality in the County of Mobile which now levies by ordinance a license tax on the taking out of storage, or sale or distribution of malt or brewed beverages, an amount equal to the tax paid at the rate of two cents for each container of malt or brewed beverages sold or distributed within the corporate limits of the said municipality, less that municipality's proportionate share of the deductions from the gross amount of tax, as provided for in this Act.

(b) The amount of the proceeds of such tax remaining in the hands of the License Commissioner after making payment to the several municipalities in the County as hereinbefore provided for, shall be paid over to the Board of School Commissioners of Mobile County, after first subtracting therefrom the proportionate part of the deductions to be made, from total tax collections, to reach the net distributable amount.

(c) Distribution by the License Commissioner shall be made not later than the last day of each calendar month in which the distributors have made the monthly report elsewhere in this Act prescribed.

Section 7 The amount of the proceeds of the said tax for distribution shall be determined as follows:

(a) The License Commissioner shall deduct, from the gross proceeds of the said tax, prior to each distribution, the expenses incurred for decals and other devices, forms and connected matter, and clerical costs, all as hereinbefore provided for.

(b) For the cost, labor and expense of affixing firmly on containers the decals or other devices contemplated by this Act

and attention to the details connected therewith and the accounting hereinafter provided for, each distributor, seller or taker out of storage shall, at the time of purchase by him of such decals or other devices, be allowed a twelve per cent (12%) discount on the gross amount of license tax represented by the said decals or other devices. The net amount for distribution will be the gross amount of tax less the deductions hereinbefore provided for.

Section 8

(a) Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this Act, and on or before the 15th day of each calendar month thereafter, file with the License Commissioner and License Inspector a written statement, sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

(b) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense; and shall be denied the right to purchase any more decals or other devices until such delinquent report shall have been made and any assessed penalty shall have been paid.

(c) In order to enable the License Commissioner to make distribution of the net proceeds of the tax as in this Act prescribed, each distributor or seller must include in the statement separately the total sales made within the corporate limits of each municipality, and the total sales made in the County but without the corporate limits of any municipality. Should there be a continued failure to furnish the statement contemplated by this provision for basis of distribution, the License Inspector is authorized and required to procure, from the records of the delinquent, such information as may be procurable therefrom and

furnish such information to the License Commissioner to enable him to make estimates for distribution of the tax.

Section 9 It shall be unlawful for any distributor or seller or any person, having no place of business within the County of Mobile, to make any sale, distribution or delivery of malt or brewed beverages within the County without first having obtained a permit to do so from the License Commissioner of the County, and having obtained a business license from each municipality in which sale, distribution or delivery is to be made; and such person, distributor or seller shall be liable for and subject to the license tax fixed and specified in this Act; provided, however, that nothing contained in this section, or in any other part of this Act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the County, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 10

(a) It shall be the duty of any person subject to the license tax imposed by this Act, to keep full and complete records of all purchases, sales, receipts inventories and of all other matters from which the correct amount of license tax to which such person is subject, may be ascertained, and the amounts of sales in the area of each tax recipient may be ascertained; and in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the License Commissioner and to the License Inspector of the County thirty days notice in writing of his intent to destroy or dispose of such records. The License Inspector is authorized to inspect such records and to make copies of such parts of same as he may deem desirable or proper.

(b) Failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

(c) Upon demand by the License Inspector or his authorized deputy or agent, auditor or representative, it shall be the duty of any such person subject to the license tax imposed by this Act, to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of license tax to which such person is subject, may be determined, including herein the exhibition of bank deposit books

and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor, shall be guilty of a misdemeanor, punishable according to law.

(d) Should any person, subject to the provisions of this Act, not keep and have in his possession or control within this County, correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the license tax due, and the required information as to sales in the several tax-recipient areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the License Inspector of the County to ascertain, from such information and data as he may reasonably obtain, the correct amount of license tax due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

(e) The amount of tax will be paid by each distributor or seller when he buys his decals or other devices from the License Commissioner as hereinbefore provided for and the purpose of the detailed provisions touching the making of reports with detailed information as hereinbefore set out, is to aid in the detection of any sales that may be made of malt or brewed beverages in containers not having affixed the required decal or other device; and to enable the License Commissioner to make proper distribution of the net proceeds of such tax.

Section 11 It shall be unlawful for any person connected with the administration of this Act, to divulge any information obtained by him in the course of the inspection and examination of books, invoices, reports, papers or memoranda which the taxpayer made pursuant to the provisions of this Act, except to a person thereunto duly authorized by the governing body of a municipality of such County or to the License Commissioner, the prosecuting law officers of the county, the License Inspector, or others connected with the administration of this Act; or unless required to make such disclosure under order of any competent court.

Section 12 It shall be unlawful for any person knowingly or willfully to make or exhibit or file with the License Commissioner or the License Inspector any false written certificate or statement, required by this Act to be made or given, with ref-

erence to the amount of stock on hand, volume of gross receipts, revenues or business done or as to any other fact required by this Act to be stated; for the purpose of avoiding the payment of any license tax that might be required to be paid by any of the provisions of this Act.

Section 13 Any person violating any of the provisions of this Act, shall, unless otherwise provided in this Act, upon conviction, be punished by a fine of not more than Five Hundred (\$500.00) Dollars and may also be sentenced to hard labor for the County for not exceeding six months, either or both.

Section 14

(a) It shall be the duty of the License Commissioner to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this Act, and to furnish the same to such distributors or sellers as they may be required.

(b) It shall be the duty of the License Inspector to enforce the provisions of this Act. To that end he is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this Act. It will be lawful also for any police officer or sheriff's officer or the License Inspector, to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages. Such entry and inspection by such police officer or officers or such sheriff's officer or officers of the License Inspector may be either at the instance of the License Inspector or, as to retail establishments within the corporate limits of municipalities, by the police officers without request from the License Inspector.

Section 15

(a) It shall be unlawful for any retailer to have in his possession, sell, exchange, give away, furnish or serve malt or brewed beverages in or from any container which does not bear the decal or other device contemplated by this Act as to be affixed in order to show the payment of the license tax thereon.

(b) Should, upon any lawful inspection of premises as provided for by this Act, there be found containers of malt or brewed beverages, taxable under this Act, not having affixed the decals or other devices contemplated by this Act, the inspecting officer may seize such containers and deposit them in the custody of the

Sheriff of Mobile County to be held by him pending appropriate judicial proceedings for the confiscation and destruction of the said containers and their contents. The Circuit Court of Mobile County is hereby vested with jurisdiction to hear and determine any proceeding brought hereunder to procure such confiscation and destruction of such containers and their contents. It is hereby made the duty of the State's solicitor in Mobile County to institute such proceedings upon the request of the License Inspector.

Section 16

(a) Act No. 415 of the Acts of the Legislature of Alabama of 1947, entitled

An Act

"To apply in Mobile County, Alabama, and requiring the payment to Mobile County, in addition to all other licenses and taxes required by law, of a license tax equal to two cents on each twelve fluid ounces or fractional part thereof, of malt or brewed beverages sold, distributed, delivered, stored or taken out of storage within such County; to provide for the ascertainment, payment, collection and distribution of such license tax and the enforcement of this Act and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act."

as amended by Act No. 622 of the Acts of the Legislature of Alabama of 1951, entitled

An Act

"To amend Section Three of Act 415, Local Acts of Alabama, 1947, page 265 et seq approved September 25, 1947 applying in Mobile County, Alabama, and requiring the payment to Mobile County, in addition to all other licenses and taxes required by law, of a license tax equal to one-sixth of one cent on each fluid ounce or fractional part thereof, of malt or brewed beverages sold, distributed, delivered, stored or taken out of storage within such county."

is and are hereby repealed.

(b) All ordinances of municipalities in the County of Mobile which levy and collect a license tax on the sale and distribution of malt or brewed beverages, are hereby declared null and are avoided in toto as of the date of the taking effect of this Act. This destruction of the said ordinances applies as well to the effect thereof within the police jurisdiction of the said municipalities as within the corporate limits of the said municipalities. After the date of the taking effect of this Act, there can no longer be levied and collected within any of the said municipalities or within the police jurisdiction of any of the said municipi-

palities, the tax presently being levied by such municipalities on the distribution and sale of malt or brewed beverages.

Section 17 It is the intention of the Legislature that should any section, subsection, provision, clause or sentence of this Act, or the application thereof to any person or set of circumstances, be held invalid or inoperative, the remainder of the Act outside the portion so held invalid, shall be and remain valid legislation.

Section 18 This Act shall become effective on the first day of the second full calendar month after it's passage and approval by the Governor or it's otherwise becoming law, and this Act shall apply to the taking from storage, sale, distribution, and delivery of malt and brewed beverages within Mobile County on, from and after the effective date hereof.

Approved July 25, 1963.

Time: 4:58 P. M.

Act No. 163

H. 463—Bailes, Collins, Bowers, Perry, Meeks, Locke, Sessions, Vacca, Brown (Jefferson), Morrow, Rast, Etheredge

AN ACT

To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this Act, the boundary lines of the City of Mountain Brook, Jefferson County, Alabama, be and the same are altered and re-arranged, so as to include within the corporate limits of said city of Mountain Brook, Jefferson County, Alabama, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said city, more particularly described as follows:

The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 18, South, Range 2 West.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:04 P. M.

Act No. 164

H. 480—Burnham, Merrill, Albea

AN ACT

To amend further Act No. 541, H. 512, Regular Session 1951, an act providing for the allocation of the duties of the chairman and members of the city commission of certain cities classified on a population basis and providing for their compensation.

Be It Enacted by the Legislature of Alabama:

Section 3 of Act No. 541, H. 512, Regular Session 1951 (Acts 1951, v. 2, p. 953), an act providing for the allocation of the duties of the chairman and members of the city commission of certain cities and providing for their compensation, is hereby amended to read as follows:

"Section 3. The compensation of the chairman of the commission shall be fixed by the commission at not less than four thousand two hundred dollars nor more than ten thousand four hundred dollars per annum. The compensation of each associate member of the commission shall be fixed by the commission at not less than two thousand one hundred dollars nor more than five thousand four hundred dollars per annum. The amount of the salary of each associate commissioner shall be commensurate with the time he is required to devote to performing the duties of his office. The commission may require the chairman or a member of the commission to perform services for the water works board or any other agency or instrumentality of the city during the term for which he was elected, in which event, the chairman or member, as the case may be, shall be entitled to additional compensation for the performance of additional duties, such increase in compensation to be commensurate with the increased duties, as the commission may prescribe."

Approved July 25, 1963.

Time: 5:00 P. M.

Act No. 165

H. 487—Rast, Vacca, Meeks, Etheredge, Bowers, Bethea (M), Brown (Jefferson), Sessions, Gilmore, Perry, Morrow, Bailes, Collins, Hawkins, Locke, Bethea (B)

AN ACT

Relating to the court fees and costs of the Court of Common Claims of Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. To provide that the fee or costs of the Court of Common Claims of Jefferson County for docketing each case shall be one dollar and fifty cents and to further provide that the

Section 3. This act shall take effect upon its passage and approval by the Governor, or its otherwise becoming a law.

Time: 5:02 P. M.

H. 488—Rast, Vacca, Etheredge, Sessions,
Bowers, Brown (Jefferson), Bethea
(M), Gilmore, Perry, Morrow, Bailes,
Collins, Hawkins, Locke, Bethea (B)

Relating to the court fees and costs of the Jefferson County Civil Court.

Section 1. To provide that the fee or costs of the Jefferson County Civil Court for docketing each case where the amount in controversy is in excess of one thousand dollars shall be nine dollars and ten cents and to further provide that witnesses who prove by certificate their attendance in said court are entitled to claim a witness fee in the amount of two dollars for each days attendance. A claim for a witness fee must be made within five days after the witness's attendance in court.

Section 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect upon its passage and approval by the Governor, or its otherwise becoming a law.

Time: 5:05 P. M.

H. 490—Boston, Hannah

Relating to Lauderdale County, providing for additional meetings of the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Lauderdale County shall

meet at the county courthouse on the first, second, third, and fourth Mondays of each month for the purpose of registering persons entitled to register to vote. Such meetings shall be in addition to any other meetings now required by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.
Time: 5:07 P. M.

Act No. 168

H. 491—Boston, Hannah

AN ACT

To change the method of compensating certain officers of Lauderdale County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Lauderdale County shall be entitled to receive annual salaries in lieu of any fees, commissions, percentages, and allowances, except as herein otherwise provided:

The judge of probate shall receive an annual salary of \$13,500, which shall include his compensation for all ex officio duties.

The sheriff shall receive an annual salary of \$11,000, and shall also be entitled to an allowance of not more than \$100 a month for travel expenses, as determined by the county governing body.

The tax assessor shall receive an annual salary of \$10,000.

The tax collector shall receive an annual salary of \$10,000.

The clerk of the circuit court shall receive an annual salary of \$10,000, which shall include his compensation for all ex officio duties.

The register of the circuit court shall receive an annual salary of \$7,200.

Section 2. The court of county commissioners, board of revenue, or other like governing body of Lauderdale County, shall provide compensation for clerks, assistants and secretaries for the officers enumerated in this Act in such number as may be necessary for the efficient conduct of their offices. Provided, the judge of probate shall not be allowed more than six full time clerks; the sheriff shall be allowed a jailer and the same number of deputies and other assistants as are now provided by

law, who shall receive the compensation and allowances as may be prescribed by law; the clerk of the circuit court shall not be allowed more than three full time clerks; the tax assessor shall not be allowed more than three full time clerks; the tax collector shall not be allowed more than two full time clerks. Each officer shall appoint his own deputies, clerks, secretaries, and assistants, and shall fix their compensation, subject to the approval of the board of revenue, county commissioners, or other like county governing body as to number and rate of pay, except as herein otherwise provided.

Section 3. The fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any of the officers named in Section 1 shall be collected hereafter for the use of the county and shall be paid into a special fund in the county treasury from which the salaries and allowances of the officers shall be paid. Provided, the sheriff shall be entitled to the allowances payable by the state for feeding prisoners and also such mileage and expense allowances as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside Lauderdale County. The compensation of the officers named in Section 1, and of their clerks, deputies, secretaries, and other assistants shall be paid in equal monthly installments from the special fund herein provided for or the general fund if the special fund is insufficient for that purpose. If at the close of each fiscal year there is any surplus in the special fund remaining after payment of the salaries and allowances of officers and their deputies and assistants, the surplus shall be distributed among the city and county boards of education on the same basis that state minimum program funds are allotted to them.

Section 4. The court of county commissioners, board of revenue, or other like governing body of Lauderdale County shall provide the judge of probate, sheriff, tax assessor, tax collector, clerk of the circuit court, and register of the circuit court with the books, stationery, office equipment, supplies, postage, and other conveniences and conveyances as may be necessary for the proper and efficient conduct of the affairs of their respective offices.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective as to each county office specified at the expiration of the term of the incumbent officer, and upon the ratification of an amendment to the Constitu-

tion authorizing the Legislature to change the method of compensating the officers named in this Act, providing a majority of the qualified electors of Lauderdale County who vote thereon vote in favor of the adoption of the amendment when it is submitted. If a majority of the qualified electors of Lauderdale County who vote thereon vote against the adoption of the amendment, this Act shall have no further effect even though the amendment to the Constitution is ratified.

Approved July 25, 1963.
Time: 5:09 P. M.

Act No. 169

H. 493—Edwards (Lowndes)

AN ACT

Relating to counties having populations of not less than 15,400 nor more than 16,000; fixing the compensation of the county or deputy solicitor in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census, the county solicitor or deputy solicitor, as the case may be, shall be entitled to an annual salary of \$2,400. The salary shall be paid in equal monthly installments from any funds in the county treasury not otherwise appropriated, on warrants drawn in the manner prescribed by law.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.
Time: 5:10 P. M.

Act No. 170

H. 506—Wood, Doggett, McCorquodale

AN ACT

Relating to the first judicial circuit of Alabama; regulating and prescribing the qualifications of persons engaged in the bail bond business in such circuit; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In the first judicial circuit of Alabama, a person engaged in the business of making bail bonds and charging there-

for, except corporations qualified to do a bonding business in this state, may qualify as bail and make a bail bond not exceeding \$5,000 in amount, provided he is a resident of the county and a householder and freeholder therein, has paid all privilege licenses due by him for the current year, and is the owner of real property within the county assessed for taxes at \$5,000 or more.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of Alabama Code, Title 15, Section 201, in conflict with this Act are repealed as to the counties composing the first judicial circuit.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:12 P. M.

Act No. 171

H. 509—Steagall

AN ACT

Relating to the town of Newton, in Dale County: exempting certain farm land and appurtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. All farm and pasture land annexed to the town of Newton, in Dale County, by Act No. 831, H. 1192, Regular Session 1961 (Acts 1961, p. 1225), the improvements thereon and the appurtenances thereunto appertaining, shall be exempt from all ad valorem taxation by the town of Newton during the time such property is used for farming or grazing purposes.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Approved July 25, 1963.

Time: 5:14 P. M.

Act No. 172

H. 512—Powell

AN ACT

To repeal Act No. 657, H. 1385, Regular Session 1961 (Acts 1961, p. 799), an act which levies sales and use taxes in Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 657, H. 1385, Regular Session 1961 (Acts 1961, p. 799), "An Act relating to Elmore County; levying a license tax on persons and others engaged in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes," is hereby repealed.

Section 2. All the provisions of said Act No. 657 pertaining to the payment and collection of the taxes levied therein, the making of reports and maintenance of records with respect thereto, and in general the enforcement of said act shall continue to be effective with respect to the taxes therein levied that shall have accrued thereunder before the effective date of this Act.

Section 3. This Act shall become effective on the first day of the month succeeding the month during which the Act shall be approved by the Governor, or otherwise becomes a law.

Approved July 25, 1963.

Time: 4:40 P. M.

Act No. 173

H. 513—Edwards (Escambia)

AN ACT

To authorize, direct and require the Commissioner of Revenue to collect any sales and use taxes now or hereafter levied by the City of East Brewton, Escambia County, Alabama under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said city: and to prescribe the powers, duties and authority of the Commissioner of Revenue, the State Department of Revenue and the State Comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Department of Revenue is hereby authorized, directed and required to collect any sales and use taxes or privilege license taxes which may be levied by the City of East Brewton, Escambia County, herein called the "municipality", under the provisions of any municipal ordinance or resolution imposing a levy identical with the state levy of sales and use taxes, except for the rate of such taxes, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments and deductions as will apply to the state sales and use taxes levied under Act No. 100, Second Special Session 1959, approved August 18, 1959, and Article 11 of Chapter 20, Title 51 of the Code of Alabama of 1940, and all acts now or hereafter amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including the provisions for the enforcement and collection of such taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of the municipality and when a certified copy of said ordinance or resolution has been filed with the Department of Revenue; provided, however, that such taxes shall not be collected from or levied upon the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC Liquor Stores. Such municipal sales and use taxes shall be collected by the Department at the same time and along with the collection by the Department of taxes levied and collected for the State of Alabama under the provisions of the laws referred to above and all laws amendatory thereof, and all reports required to be made to the Commissioner of Revenue hereunder shall, on request to the Department of Revenue, be made available for inspection by the governing body of the municipality or its designated agent at reasonable times during business hours.

The Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes and shall have all the authority and duties hereunder that it has in connection with the collection of sales and use taxes due to the State.

It shall be the duty of the Commissioner of Revenue to pay into the state treasury all such taxes collected for the municipality; and on or before the 1st day of the following month the Commissioner shall certify to the State Comptroller the amount of taxes levied and collected under the provisions of this act for the use and benefit of the municipality during the calendar month immediately preceding the making of such certificate; whereupon it shall be the duty of the Comptroller to issue his warrant on the State Treasurer for the amount, less expenses, so certified by the Commissioner of Revenue as having been collected for the use of the municipality and paid into the state treasury; and the amount so certified by the Commissioner of Revenue as having been collected for the use of such municipality (less expenses) shall be paid to the treasurer of the municipality.

The Department of Revenue shall charge the municipality for collecting such sales and use taxes, the cost of making such collections, provided, however, that such charge shall not exceed 10 percent (10%) of the amount collected. The State Comptroller shall each month draw his warrant on the funds collected hereunder payable to the Department of Revenue for the amount of such charges.

The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the Department of Revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes payable to the municipality under the provisions of this act.

Section 2. The duties hereby imposed upon the Commissioner of Revenue, the Department of Revenue and the State Comptroller shall be assumed and discharged by them after the making and filing with the Department of Revenue of a certified copy of the ordinance or resolution and amendments thereto levying sales or use taxes; but the duty to collect taxes levied thereby shall not be imposed upon the Department of Revenue until the 1st day of the month next following the expiration of thirty (30) days from the date of the filing with it of such certified copy of the ordinance or resolution and amendments thereto levying such taxes, which shall be the beginning period for the collection of such taxes as shall be due on and after said 1st day of the month.

Section 3. If the municipality should decide by the adoption of a resolution of its governing body to discontinue availing itself of the methods prescribed by this act for the collection of sales and use taxes it shall file a certified copy of the resolution so declaring with the Department of Revenue, whereupon the duties

imposed upon the Department hereby shall no longer be required of it. If the municipality should by ordinance or resolution repeal any existing ordinance or resolution levying sales or use taxes a certified copy thereof shall be filed with the Department of Revenue and if it be then collecting taxes in accordance with this act its duties hereunder shall terminate.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 25, 1963.
Time: 5:16 P. M.

Act No. 174

H. 515—Martin

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Boligee, in the County of Greene, State of Alabama; and to prescribe the time when this act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Boligee, in the County of Greene, State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said Town of Boligee all of the territory lying within the County of Greene included within the following described boundaries, namely:

Begin at the Northeast corner of the Northeast quarter of Section 6, Township 20 North, Range 1 East, and run South along the East boundary of said Northeast quarter of Section 6 a distance of one-half mile; thence run West along the South boundary of said Northeast quarter of Section 6 a distance of one-half mile; thence run North along the West boundary of said Northeast quarter of said Section 6 a distance of one-half mile; thence run West along the North boundary of said Section 6 a distance of one-quarter mile; thence run North along the West boundary of the East half of West half of Section 31, Township 21 North, Range 1 East, a distance of one mile; thence run East along the North boundary of Sections 31 and 32 of Township 21 North, Range 1 East a distance of one and three-fourth miles; thence run South

along the East boundary of Section 32, Township 21 North, Range 1 East a distance of one-quarter mile; thence run West along the South boundary of the North half of the Northeast quarter of Section 32, Township 21 North, Range 1 East, a distance of one-half mile; thence run South along the centerline through Section 32, Township 21 North, Range 1 East, a distance of three-fourths mile; thence run West along the South boundary of Section 32, Township 21 North, Range 1 East a distance of one-half mile to the point of beginning.

Section 2. The corporate limits of the Town of Boligee shall include within it the following described territory:

The Northeast quarter of Section 6, Township 20 North, Range 1 East; the East half of the West half of Section 31, Township 21 North, Range 1 East; the East half of Section 31, Township 21 North, Range 1 East; the West half of Section 32, Township 21 North, Range 1 East; the North half of the Northeast quarter of Section 32, Township 21 North, Range 1 East.

Section 3. All laws and parts of laws, general, special and local in conflict with this act be and the same are hereby repealed.

Section 4. This act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.
Time: 5:18 P. M.

Act No. 175 H. 517—Etheredge, Bowers, Rast, Gilmore,
Meeks, Bailes, Sessions, Locke, Brown
(Jefferson), Dominick, B. Bethea,
Perry, Hawkins, Morrow, Vacca

AN ACT

To amend Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961, is amended to read as follows:

Section 3. (a) "PRESENT EMPLOYEES": Any person who is an employee or officer of Jefferson County on the date of establishment of this General Retirement System shall, except as hereinafter provided, be eligible for membership and shall be-

come a member as of such date unless within a period of thirty (30) days thereafter he files with the Board on a blank provided by the personnel Director or by the Board for that purpose, an election not to become a member, such election to be irrevocable. (b) "Members of Existing Retirement System": All employees who have become members of a retirement system under said Act No. 551 of September 9, 1953, shall not be permitted to become members under the present act. (c) "Future Employees": Any person who becomes an officer or an employee after the retirement system under the present act is established shall not be required to become a member during the first two years he serves as an officer or an employee; and any person who becomes an officer or an employee after the establishment of the said system shall become a member thereof commencing the first calendar month subsequent to the second anniversary of his becoming an officer or an employee, unless some provision hereof declares that he is ineligible for membership in the said system. Any person who has become an officer or an employee after the date of the establishment of said retirement system and prior to the effective date of this sentence may elect to become a member of the said system by filing with the Personnel Director an election to do so within Thirty days from the effective date of this sentence on a form provided by the Personnel Director for that purpose; and any person who becomes an officer or employee after the effective date of this sentence may become a member of the said system by filing with the Personnel Director within thirty days after he becomes an officer or employee an election to become a member thereof on a form provided by the Personnel Director; provided, however, that no person whose employment is "temporary", as defined by any merit system in operation in the said County, shall be eligible for membership during the period of such temporary employment. Upon any such officer or employee making such election, he shall become a member of the said pension system commencing on the first day of the calendar month next following that month in which his election is filed with the Personnel Director; and the election shall be irrevocable. (d) "Report of County Officials": It shall be the duty of the county personnel board, the head of each agency of the county government employing persons who are members or are entitled to become members, to submit to the Board such statements as the Board shall require as to the name, title, compensation, duties, date of birth, and length of service of each such person employed by such agency.

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:20 P. M.

Act No. 176

H. 528—Sullivan

AN ACT

To repeal Act No. 132, H. 112, approved September 21, 1959 (Acts of Alabama 1959, vol. 1, p. 654), entitled, "An Act To apply to Pickens County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets on which a privilege license tax has been paid; prohibiting the sale of fish so taken."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 132, H. 112, approved September 21, 1959 (Acts of Alabama 1959, vol. 1, p. 654), entitled "An Act To apply to Pickens County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets on which a privilege license tax has been paid; prohibiting the sale of fish so taken," is hereby expressly repealed.

Section 2. This Act shall take effect January 1, 1964.

Approved July 25, 1963.

Time: 5:22 P. M.

Act No. 177

H. 529—Sullivan

AN ACT

Relating to Pickens County; providing for coverage of the employees of the county under the Workmen's Compensation Act.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect the provisions of Articles 1 and 2 of Chapter 5, Title 26, Code of Alabama 1940, as amended, shall be applicable to the employees of Pickens County, and to the county, and the Workmen's Compensation Act shall govern in their employment the same as though the county governing body had elected to cover the county's employees under said Act. The county governing body shall see to it that all necessary employer reports and notices required are given at the times and in the manner prescribed in the Workmen's Compensation Act.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective 60 days after its passage and approval by the Governor or its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:24 P. M.

Act No. 178

H. 547—Doggett

AN ACT

To provide for the compensation of jurors in Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in Choctaw County are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:28 P. M.

Act No. 179

H. 548—Doggett

AN ACT

To regulate further the compensation and allowances of election officers in Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Choctaw County the officers appointed to hold an election shall each be entitled to ten dollars a day; and the returning officer, in addition, shall be entitled to five cents a mile in going to the courthouse and returning to the place of holding the election. The several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:35 P. M.

Act No. 180

H. 550—Turner (Crenshaw)

AN ACT

To amend further Act No. 132, H. 138, Second Special Session 1959 (Acts 1959, p. 382), an act providing for a law and equity court of Crenshaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 132, H. 138, Second Special Session 1959 (Acts 1959, p. 382), an act providing for a law and equity court of Crenshaw County, is hereby amended to read as follows:

"Section 3. At the general election in 1964, and every six years thereafter, a judge of the court shall be elected for a term of six years beginning on the first Monday after the second Tuesday in January next following his election. The judge of this court shall before entering upon the duties of the office take the oath prescribed by law to be taken by judges of the circuit courts in Alabama. The judge of the court shall be a qualified elector of the county, not less than twenty-five years of age, and shall be learned in the law, and licensed to practice law in this state. The judge shall not practice as an attorney in any case or matter pending or tried in his court or in any criminal case in any court of this state or of the United States, but he shall not be disqualified from practicing law in any other cases, matters, and courts. He may be removed from office in the manner and for the causes now provided by law for the removal of circuit judges."

Section 2. Section 4 of said Act No. 132, Second Special Session 1959, as amended, is hereby amended further to read as follows:

"Section 4. (a) The clerk of the circuit court of the county shall be by virtue of his office clerk of the Law and Equity Court of Crenshaw County hereby established, and shall have the same powers and discharge the same duties as clerks of the circuit courts. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees, commissions and emoluments as are now or as may hereafter be allowed to circuit clerks of Alabama, which shall be collected as such fees and commissions are collected in the circuit courts, except (1) in violations of traffic laws and rules of the road under the provisions of Code of Alabama 1940, Title 36, and amendments and additions thereto, the fees and commissions shall be the same as allowed by general law to a justice of peace trying such a case, and (2) in all other criminal cases heretofore triable before the county court, and justices of the peace courts, the clerk shall receive the same fees and commissions as clerks of the county courts.

"(b) A docketing fee of five dollars (\$5.00) shall be imposed in each case involving a violation of traffic laws or rules of the road docketed in the Law and Equity Court of Crenshaw County. Such docketing fees shall be collected in the same manner as other costs, and when collected shall be paid by the clerk of the court into the general fund of the county.

"(c) The clerk shall have the power to appoint a deputy clerk and delegate to him such authority as may be necessary to carry out the provisions of this Act. The clerk shall have authority to purchase at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. The clerk shall have power and authority:

(1) To administer oaths and take acknowledgments and affidavits; (2) To sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments, and releases; (3) To approve bonds in civil and criminal cases; (4) To enter all judgments, orders and decrees of the court; (5) To certify all appeals and transcripts; (6) To exercise all powers and authority which are now or may be hereafter conferred on clerks of the circuit courts."

Section 3. Section 5 of said Act No. 132, Second Special Session 1959, is hereby amended to read as follows:

"Section 5. The judge of the Law and Equity Court of Crenshaw County shall receive a salary of five thousand two hundred dollars (\$5,200) per annum, payable in equal monthly installments out of the county treasury."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. However, the provision relative to the compensation shall not become operative until the expiration of the term of office of the incumbent in the office of judge of the Law and Equity Court of Crenshaw County.

Approved July 25, 1963.

Time: 5:37 P. M.

Act No. 181

H. 555—Branyon

AN ACT

Relating to counties having populations of not less than 15,500 nor more than 16,300; vesting in the probate courts of such counties the civil jurisdiction of justice of the peace courts.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,500 nor more than 16,300, according to the most recent federal decennial census, the probate court shall have jurisdiction, co-extensive with the boundaries of the county, the same as justices of the peace, to be exercised as provided by law, of all actions founded on contract when the sum claimed does not exceed \$100; of all actions founded on any wrong or injury, when the damages claimed do not exceed \$100, except in actions of libel, slander, assault and battery, and ejectment, of which actions such court shall not have jurisdiction; of all actions of forcible entry and unlawful detainer; of all actions brought to recover specific property when the value thereof does not exceed \$100; and of such other cases of a civil nature as may be conferred by law on justices of the peace.

Section 2. The probate court shall have all the powers and authority necessary to exercise the jurisdiction conferred upon it by this Act, and the procedure in civil cases in the probate court shall be the same as in justice of the peace courts as prescribed by general laws.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:39 P. M.

Act No. 182

H. 558—Crawford

AN ACT

To provide for the compensation of county or deputy solicitors in counties having populations of not less than 15,000 nor more than 15,300.

Be It Enacted by the Legislature of Alabama:

Section 1. The county or deputy solicitor of any county having populations of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census shall receive

a monthly salary of not less than one hundred fifty dollars and not more than two hundred fifty dollars. Said salary shall be fixed by the board of revenue, court of county commissioners or like governing body of such county and shall be paid out of the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the month next following its enactment.

Approved July 25, 1963.
Time: 5:41 P. M.

Act No. 183

H. 559—Brown (Jefferson), Morrow, Perry, Meeks, Vacca, Dominick, Rast, Bowers, Hawkins, Gilmore, Bethea (M), Sessions

AN ACT

To alter, rearrange and extend the boundaries of the City of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 34, Township 18 South, Range 4 West, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Bessemer, in Jefferson County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

Begin at the Northeast corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, Township 19 South, Range 4 West; thence run West along North line of said quarter-quarter section a distance of 87.88 feet; thence turn left an angle of 90° 00' a distance of 118.53 feet; turn right an angle of 34° 54' a distance of 436.7 feet; turn right an angle of 55° 06' and run West a distance of 885.30 feet for point of beginning; thence continue said course a distance of 782.06 feet; turn left an angle of 91° 57' a distance of 491.43 feet; turn left an angle of 87° 47' a distance of 782.06 feet; turn left an angle of 92° 13' a distance of 495.07 feet to point of beginning; being in S $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 17, Township 19 South, Range 4 West in Jefferson County, Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved July 25, 1963.
Time: 5:43 P. M.

Act No. 184

H. 560—Morrow, Perry, Meeks, Vacca, Dominick, Rast, Bowers, Hawkins, Locke, Gilmore, M. Bethea, Brown (Jefferson), Sessions

AN ACT

To alter and re-arrange the boundary lines of the City of Birmingham, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and all certain other territory in Jefferson County, Alabama, contiguous to said city.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this act, the boundary lines of the City of Birmingham, Jefferson County, Alabama, be and the same are altered and re-arranged so as to include within the corporate limits of said City of Birmingham, Jefferson County, Alabama, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said city, more particularly described as follows:

The East one-half of the Northeast Quarter of the Southeast Quarter of Section 31, Township 16 South, Range 1 West

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:45 P. M.

Act No. 185

H. 566—Daniel

AN ACT

Relating to counties having populations of not less than 27,000 nor more than 30,000; regulating the compensation of the county superintendent of education of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 27,000 nor more than 30,000, according to the most recent federal decennial census, the salary of the county superintendent of education shall be fixed by the county board of education at an amount not exceeding \$10,000 a year, which shall be payable at the time and in the manner provided by the general laws of Alabama regulating the payment of compensation of county superintendents of education.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:49 P. M.

Act No. 186

H. 594—Barnett

AN ACT

Relating to Perry County; to provide for the appointment and compensation of Clerks for the Tax Assessor and Tax Collector of Perry County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and the tax collector of Perry County may each appoint a clerk to assist him in the performance of the duties of his office. Each clerk so appointed shall be entitled to receive a salary of \$50. a month payable from the general funds of the county. The clerk of the assessor and collector shall be employed and paid for the full twelve months of each calendar year.

Section 2. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved July 25, 1963.

Time: 5:51 P. M.

Act No. 187

H. 595—Sullivan

AN ACT

Relating to counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; authorizing payment of expense allowances to members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body in all counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census, is authorized, if in its discretion it sees fit, to provide an expense allowance to each member of the court of county commissioners, such allowance in no case to exceed \$100.00 a month.

Section 2. The expense allowance authorized by this Act shall be in addition to all other expenses or allowances heretofore paid to such members of the court of county commissioners in such counties according to law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:55 P. M.

Act No. 188

H. 596—Sullivan

AN ACT

To authorize and direct the county board of education in all counties having populations of not less than 21,850 nor more than 21,950, according to the most recent federal decennial census, to fix the salary and expense allowance of the county superintendent of education at amounts not less than the salaries and expenses paid to certain other employees of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education in all counties having populations of not less than 21,850 nor more than 21,950, according to the most recent federal decennial census is hereby authorized and directed to fix the salary and expense allowance of the county superintendent of education at amounts not less than the salaries and expense allowances paid to any principal or to any other employee of the board of education in such county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws, both general and local, which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 5:59 P. M.

Act No. 189

H. 600—Wood

AN ACT

To repeal Act No. 47, H. 70, Second Special Session 1963, relating to counties having populations of not less than 15,300 nor more than 15,400.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 47, H. 70, Second Special Session 1963, approved April 16, 1963, entitled "An Act to provide an expense allowance for members of the court of county commissioners, board of revenue or like governing body of all counties having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 6:02 P. M.

Act No. 190

H. 601—Wood

AN ACT

To provide an expense allowance for members of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census; giving the Act limited retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the court of county commissioners, board of revenue, or other like governing body of any county having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census, shall each be entitled to receive expenses in the amount of \$75 a month, payable monthly out of any funds in the county treasury available for such purpose according to law, in addition to all other expense allowances and compensation heretofore provided.

Section 2. This Act is remedial and shall be given retroactive effect to February 1, 1963.

Approved July 25, 1963.

Time: 6:05 P. M.

Act No. 191

H. 604—Mashburn

AN ACT

To alter or rearrange the boundary line of the City of Bay Minette, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Bay Minette, Baldwin County, Alabama, be and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Bay Minette, Alabama, and in addition thereto the following described territory to-wit:

Begin at the Southeast corner of Section 4, Township 2 South, Range 3 East and run West along the South line of the said Section 2640 feet, more or less, to the Southwest corner of the Southeast Quarter of said Section 4; run thence North along the West line of the said Southeast Quarter of said Section 4 a distance of 1320 feet, more or less, to the Northwest corner of the South Half of the said Southeast Quarter; run thence East and parallel with the South line of the said Section 4 a distance of 2640 feet, more or less, to the East line of the said Section 4; run thence South along the East line of the said Section 4 a distance of 1320 feet, more or less, to the point or place of beginning in Baldwin County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 6:10 P. M.

Act No. 192

H. 110—Bevill, Sullivan, Fite, Hester, Brewer, Engel, McDermott, Downing, Turner (Crenshaw), Cambell (Tuscaloosa), Scurlock, Brown (Tuscaloosa), Callahan, Branyon, Drake, Cantrell, Slate, Jones (Monroe)

AN ACT

To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama and that authorizes the State to engage in works of internal improvements by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the State, and to incur

indebtedness and issue bonds for said purpose; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding \$2,000,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding \$2,000,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under the said Constitutional Amendment; to provide for investment of the proceeds of any bonds issued hereunder and other funds received under this Act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued under the provisions of said Constitutional Amendment; to make appropriation for payment of the principal of and interest on bonds issued under the said Constitutional Amendment from the General Fund of the State; to provide for the acquisition of property for the purposes of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; and to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to the provisions of this Act or Act No. 311 adopted at the 1957 Regular Session of the Legislature, Act No. 98 adopted at the 1959 Regular Session of the Legislature or Act No. 716 adopted at the 1961 Regular Session of the Legislature; and to provide that surplus revenues derived from operation of the state docks facilities at the Port of Mobile may be used to meet operating deficits of the facilities constructed under said Constitutional Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The words and phrases hereinafter set forth, wherever used in this Act, shall have the respective meanings hereinafter ascribed to them. "1957 Docks Amendment" means that certain amendment to the Constitution of Alabama that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama. "The State" means the State of Alabama. "The Department" means the Alabama State Docks Department created by Act No. 103 adopted at the 1955 Regular Session of said Legislature and any department or agency of the State that may succeed to its duties. "Docks facilities" means docks and all kind of dock facilities, including elevators, warehouses, water and rail terminals, wharves, piles, quays, compresses, storm haven facilities for all types of watercraft, channels between navigable waterways of the State for the purpose of connecting such waterways and aiding the use thereof, and

other related structures, facilities and improvements, that may be needed for the convenient use of the same. "1957 Docks Act" means Act No. 311 adopted at the 1957 Regular Session of said Legislature. "1959 Docks Act" means Act No. 98 adopted at the 1959 Regular Session of the Legislature. "1961 Docks Act" means Act No. 716 adopted at the 1961 Regular Session of the Legislature. "The bonds" means those issued hereunder. "Unit of development" means any one or more dock facilities acquired pursuant to the provisions of either this Act or the 1957 Docks act or the 1959 Docks Act or the 1961 Docks Act which may be designated by the Department as a unit of development for the purposes of this Act; provided, that several dock facilities may be together designated as one unit of development only if they are contiguous to each other or closely related for purposes of use and operation. "Fiscal Year" means the fiscal year of the department.

"Inland waterways facilities" means all dock facilities at any time acquired or constructed pursuant to the provisions of the 1957 Docks Amendment.

"Operating deficit of the inland waterways facilities" means the sum, if any there be, be which the gross revenues derived from the operation of the inland waterways facilities during any fiscal year may be exceeded by the total of all expenses, excluding any deductions for depreciation, incurred during the same fiscal year in the operation of the inland waterways facilities and in the maintenance thereof in good operating condition.

"Port of Mobile facilities" means the facilities of all kinds known as the state docks owned by the state and operated by the department at the Port of Mobile.

"Surplus revenues of the Port of Mobile facilities" means the gross revenues derived from the operation of the Port of Mobile facilities remaining at the end of any fiscal year after there shall have been deducted therefrom all expenses (excluding any deductions for depreciation), incurred during the same fiscal year in the operation of the Port of Mobile facilities and the maintenance thereof in good operating condition, and all payments required to be made during such fiscal year in order to comply with (a) sinking fund requirements for the Alabama Harbor Improvement Bonds at the time outstanding which were heretofore issued by the state for the development of the Port of Mobile facilities, (b) the obligations and agreements on the part of the department under any lease agreement at the time in effect which may have theretofore been made by the department for the rental of facilities located or for use at the Port of Mobile, and (c) the obligations and agreements on the part of the department which may have been made in any order of the department providing for issuance of any securities at the time outstanding which

were theretofore issued by the department or by the State and for the payment of which revenues from the Port of Mobile facilities were pledged.

The definitions herein set forth include both the singular and the plural.

Section 2. Authorization of Dock Facilities at Additional Cost of \$2,000,000. In addition to the authority granted to the State by the provisions of any other law, the State is hereby expressly authorized and empowered, at an additional cost to the State of not exceeding \$2,000,000, to engage in works of internal improvement by promoting, developing, constructing, maintaining and operating along navigable rivers, streams or waterways now or hereafter existing within the State, all manner of dock facilities, in aid of commerce and use of the waterways of this State, all pursuant to the provisions of the 1957 Docks Amendment. All such works, improvements and facilities shall always be and remain under the management and control of the Department. The Department shall be the agency of the State by which the State shall accomplish the acquisition, construction, maintenance and operation of dock facilities hereunder and shall, in general, accomplish the purposes of this Act.

Section 3. Cost to the State. The authorization herein granted to the State of engaging in the aforesaid works of internal improvement at a cost of not exceeding \$2,000,000 is in addition to the authorization in the amount of \$3,000,000 granted by the 1957 Docks Act, and to the authorization in the amount of \$3,500,000 granted by the 1959 Docks Act, and to the authorization in the amount of \$1,500,000 granted by the 1961 Docks Act, thus bringing to the aggregate sum of \$10,000,000 the total authorization presently and heretofore granted by the Legislature pursuant to the provisions of the 1957 Docks Amendment. The use of revenues derived from operation of dock facilities shall not be deemed the incurring of cost by the State within the meaning of this section.

Section 4. Exercise of Powers Hereunder. The State, acting through the Department, shall, in engaging in the works of internal improvement authorized by this Act, have the power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, control and operate along navigable rivers, streams or waterways now or hereafter existing within the State, and at river ports or landings along such navigable rivers, streams or waterways, dock facilities of all kinds, in aid of commerce and use of navigable waterways of the State, to the fullest extent practicable and to such extent as the Department shall deem desirable or proper. The authority herein granted shall include the completion of any dock facilities originally acquired under

the provisions of the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act; and also the dredging of approaches to any dock facilities, acquired, erected, maintained or operated pursuant to this Act, or the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act. Before the Department shall exercise the authority vested in it hereby with respect to any dock facilities or any dredging of the approaches thereto, the Department shall first submit plans, including estimates of cost, prepared by competent engineers or architects, and a survey made by competent independent and professional engineers showing the economic feasibility of the proposal envisaged by such plans, to the Governor for his approval or disapproval; and in the event of the Governor's disapproval, the plans shall either be abandoned or be revised and again submitted to the Governor for his approval or disapproval. Prior to the commencement of any construction, dredging, or other work hereunder for which a permit from, or consent of, any United States authorities may be required by law, the Department shall obtain the requisite permit or consent.

Section 5. Authority Herein Granted is in Addition to Existing Authority of State Docks Department. All administration, supervision, authority and responsibility under this Act and operations conducted hereunder, vested in the Department, shall be in addition to all power, duties and authority conferred on the Department by any other statute, it being the intent of this Act that the Authority, powers, responsibilities and duties imposed by this Act shall be in addition to and supplemental of the powers, authority, responsibilities and duties conferred or imposed on the Department by any other laws of the State.

Section 6. Acquisition of Property. In acquiring rights of way and property necessary for the construction of dock facilities and convenient approaches thereto in furtherance of the purposes of this Act, the Department shall have the power to acquire same by gift, lease, purchase, negotiation or condemnation. The Department shall have all powers with respect to the condemnation of properties for the purposes of this Act that were granted to that Department in the 1957 Docks Act; and the exercise of such powers hereunder shall be subject to all limitations and conditions prescribed in the 1957 Docks Act.

Section 7. Current Indebtedness Hereunder. In any operations conducted under this Act, the Department may contract such current indebtedness as is necessarily incident to the progress of the work in accordance with the terms of this Act.

Section 8. The Bonds. In order to provide funds for the purposes of this Act, there are hereby authorized to be sold and issued bonds of the State not exceeding \$2,000,000 in aggregate principal amount, under and subject to the provisions hereinafter set forth. The bonds shall be designated as Inland Waterway

Improvement Bonds of the State. The bonds shall be general obligations of the State, for payment of the principal of and interest on which the full faith and credit of the State are hereby irrevocably pledged. The bonds may be issued from time to time in one or more series, shall bear an appropriate series designation, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as shall be set forth in an order or resolution of the Department; provided that the first installment of principal of bonds of each series must mature not later than three years from the date of such series and the last installment of principal of bonds of such series shall mature not later than twenty years from such date; and provided further that the total principal and interest maturing on the bonds of any series in any one year shall not exceed twice the smallest amount of such principal and interest maturing in any preceding year; and provided, further, that any of the bonds having a stated maturity more than five years after its date shall be made subject to redemption at the option of the State at the end of the fifth year after the date of such bond and on any interest payment date thereafter under such terms and conditions as may be provided in the order or resolution whereunder such bond is authorized to be issued. The bonds shall be signed in the name of the State by either the facsimile or manually subscribed signatures of the Governor or the Director of the Department, and the Great Seal of the State, or a facsimile thereof, shall be affixed thereto or engraved, lithographed, or imprinted thereon and attested by either the facsimile or manually subscribed signature of the Secretary of State; provided, that the signature on the bonds of any one of the said officials shall be subscribed manually thereon. The bonds may be in either bearer or registered form, either as to principal or interest or both. Interest on the bonds shall be payable semiannually, interest on coupon bonds being evidenced by interest coupons attached thereto, each of which coupons shall be authenticated by the facsimile signature of the State Treasurer imprinted thereon. Bonds issued in coupon form may be exchanged for fully registered bonds or bonds registered as to principal only. Coupon bonds and registered bonds shall be interchangeable; and upon issuance of a coupon bond for a registered bond, all matured and unearned coupons on said bond shall be by the State Treasurer first clipped from said bond and then cancelled. Regulations for the registration of bonds and for interchange of registered and coupon bonds shall be set forth in the order or resolution authorizing the issuance of such bonds. The State Treasurer shall maintain a record of all of the bonds issued hereunder, and shall maintain a separate record of all of the bonds that are registered, including a record of the names and

addresses of the registered holders thereof. No order or resolution providing for the authorization or sale of any of the bonds shall become effective until approved by the Governor. The action of the Department in adopting an order or resolution authorizing the sale of any of the bonds, and the action of the Governor in approving such order or resolution, shall be conclusive evidence that the funds to be derived from the bonds so authorized to be sold are actually needed at the time for the purposes for which bonds are herein authorized to be issued and that the proceeds of such bonds are intended only for such purposes.

Section 9. Sale of the Bonds. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the State for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the Department and the Governor is received all bids may be rejected. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than six days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The Department may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act.

Section 10. Proceeds from the Sale of the Bonds. The proceeds from the sale of any of the bonds (other than refunding bonds) shall be paid into the State Treasury and kept by the State Treasurer in a separate account and paid over to the Secretary-Treasurer of the Department from time to time in such amounts as shall be directed by the Governor and the money so paid over to the Secretary-Treasurer of the Department shall be held and used only for the accomplishment of the purposes of this Act, and specifically for payment of the cost of acquiring, by construction or otherwise, maintaining and operating, or any of them, dock facilities along navigable streams and waterways now or hereafter existing within the State, in aid of commerce and use of navigable waterways of the State. The cost of acquiring any dock facilities that may be acquired with the proceeds of bonds issued under this act shall be deemed to include, inter alia, (a) fees of engineers and attorneys and other expenses incidental to such acquisition; and (b) the cost of issuing those of the bonds that may be issued to provide funds for such acquisition. The proceeds derived from the sale of any refunding

bonds issued hereunder shall be used only as provided in Section 13 of this Act.

Section 11. Appropriation for Payment of Principal and Interest. There is hereby appropriated for the payment of the principal of and interest on any bonds issued hereunder under the 1957 Docks Act or under the 1959 Docks Act or the 1961 Docks Act so much as may be necessary for that purpose of any moneys in the General Fund of the State not otherwise appropriated.

Section 12. Application of Revenues from Inland Waterways Facilities. The gross revenues derived from the operation of each unit of development comprising a part of the inland waterways facilities shall be applied for the following purposes in the following order: (a) payment of the expenses of operating and maintaining in good operating condition the unit of development from which such revenues are derived; and (b) payment of the expenses of operating and maintaining in good condition any other unit of development or units of development comprising a part of the inland waterways facilities. Whenever the gross revenues received by the department from the inland waterways facilities during a fiscal year shall be greater than the expenses of operating and maintaining in good operating condition the inland waterways system during that fiscal year, then the revenues from the inland waterways system remaining at the end of that fiscal year after compliance with the first sentence of this section shall be applied for that one or more or all of the following purposes that may be designated by the department, the sums to be so applied to be in such amounts and to be applied in such manner as the department may designate: (1) retention of such amounts, for use as working capital for the inland waterways facilities as the department may determine to be reasonably necessary for such purpose; (2) payment of the cost of capital improvements and additions to the inland waterways facilities; and (3) payment at their respective maturities of the principal of or interest on any bonds theretofore issued and at the time outstanding under the 1957 Docks Amendment; provided, however, that the revenues from the operation of any unit of development the acquisition or construction of which was financed wholly or in part with bonds issued under the 1957 Docks Act shall, to such extent as may be required by the provisions of the 1957 Docks Act, be applied for payment at their respective maturities of those bonds issued under the 1957 Docks Act for payments into the sinking fund created in that act, and the revenues from the operation of any unit of development the acquisition or construction of which was financed wholly or in part with bonds issued under the 1959 Docks Act shall, to such extent as may be required by the provisions of the 1959 Docks Act, be applied for payment at their respective maturities

of the principal of and the interest on those bonds issued under the 1959 Docks Act and for payments into the sinking fund created in that Act, and the revenues from the operation of any unit of development the acquisition or construction of which was financed wholly or in part with bonds issued under the 1961 Docks Act shall, to such extent as may be required by the provisions of the 1961 Docks Act, be applied for payment at their respective maturities of the principal of and the interest on those bonds issued under the 1961 Docks Act and for payments into the sinking fund created in that Act.

Section 13. Investments. All provisions of this Act pertaining to bonds issued under this Act that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to the refunding bonds issued hereunder. The principal proceeds from the sale of any bonds issued hereunder, when not needed for the purposes for which such bonds were issued, and any other moneys received hereunder, when not needed for the purposes for which such moneys may be used, may at the discretion of the Director, with the approval of the Governor, be invested in direct general obligations of the United States of America and the earnings on any investment so made shall be used in the same manner that the moneys so invested are herein provided to be used.

Section 14. Separate Records as to Each Unit of Development. The Department shall establish and maintain a separate record with respect to each unit of development that may have been or may be acquired, constructed or operated in whole or in part under the provisions of this Act or the 1957 Docks Act, or the 1959 Docks Act, or the 1961 Docks Act. Each such separate record shall show (a) the total amount of the capital investment in each such unit of development, including (i) the amount of such capital investment derived from the proceeds of the bonds issued hereunder or under the 1957 Docks Act or the 1959 Docks Act, or the 1961 Docks Act; and (ii) the amount, if any, of the said capital investment derived from any other source; (b) the expenses of operating each such unit of development; and (c) the gross revenues derived from the operation of each such unit of development. In the event any proceeds from bonds issued either under this Act or the 1957 Docks Act or the 1959 Docks Act or the 1961 Docks Act shall be used to pay any of the operating expenses of any unit of development, the amount of bond proceeds so used shall be deemed a part of the capital investment in such unit of development.

Section 15. Use of Surplus Revenue of the Port of Mobile Facilities to Pay Operating Deficit of Inland Waterways Facilities. If at the end of any fiscal year there are surplus revenues of the Port of Mobile facilities with respect to that fiscal year and an

operating deficit of the inland waterways facilities with respect to that fiscal year then any such surplus revenues shall be used to meet any such operating deficit.

Section 16. Authorization of Charges. The Department shall have the right and power to fix from time to time and to collect reasonable rates and charges for services rendered by, and for the use of, dock facilities acquired, constructed or operated pursuant to the provisions of this Act.

Section 17. Revocation of Licenses. Any license heretofore granted by the State, either expressly or by implication, permitting the upland owner to occupy any part of the space between the high water mark and the low water mark of any navigable waterway of this State, or along the banks of any river, stream or waterway of this State, may be revoked or cancelled by the Department in the same manner and subject to the same conditions as those set forth in Section 16 of the 1957 Docks Act.

Section 18. Bonds and Interest Thereon Exempt from Taxation. Any bonds issued pursuant to the authority of this Act and the interest thereon shall be exempt from all taxation by the State of Alabama or any political subdivision thereof.

Section 19. Severability. If any portion of this Act should be held invalid for any cause, such invalidity shall not affect the remaining portions of this Act, which shall remain in full force and effect as to all portions thereof not declared invalid, the Legislature hereby expressly declaring that it would have adopted the remaining portions of this Act notwithstanding the portion thereof declared to be invalid.

Section 20. Effective Date of this Act. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 26, 1963.

Time: 5:00 P. M.

Act No. 193

H. 182—Fite, Brewer, Cantrell, Engel, Rogers

AN ACT

To amend further Code of Alabama 1940, Title 36, Sections 60 and 61, in relation to the amount of the license payable by motor vehicle operators.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 36, Section 60, as amended, is amended further to read as follows:

"Section 60. Such person shall apply under oath to the judge of probate or License Commissioner of the county of his residence for said driver's license or a renewal thereof upon a form which shall be provided by the director of public safety. At the time of filing any such application, the applicant shall pay to the judge of probate or License Commissioner a fee of four dollars and twenty-five cents, and the judge of probate or License Commissioner shall give him a receipt therefor on a form provided by the director of public safety."

Section 2. Code 1940, Title 36, Section 61 is amended to read as follows:

"Section 61. At the close of business on Monday of each week when any application has been received or temporary instruction permit hereinafter provided for has been issued, the judge of probate receiving such application or issuing such permit shall prepare a report of the same upon a form which shall be provided by the director of public safety. One copy of such report, together with all applications received and copies of all permits issued shall be forwarded to the director of public safety and one copy shall be retained by the judge of probate. On the tenth day of every month the judge of probate shall prepare a report showing the number of applications received and permits issued and the amount of fees received during the previous calendar month, provided however that said report shall be prepared on the twentieth day of October, November and December. One copy of such report shall be forwarded to the director of public safety, one to the comptroller, one to the treasurer, and he shall retain a copy. He shall also at said time deliver to the treasurer the amount of all such fees collected less twenty-five cents for each application received or permit issued, which sum shall be retained by him. Two-fifths of each twenty-five cents retained by the probate judge shall be for his own use, and no other or further charge shall be made by him for services rendered in taking or receiving applications or issuing permits; provided however this provision shall not repeal any local statutes nor general statutes of local application contrary to this provision; the remaining three-fifths shall be paid into the public highway and traffic fund of the county. All funds remitted to the state treasurer under the provisions of this section shall be deposited to the credit of the general fund and shall be appropriated to the department of public safety for the payment of salaries and other expenses of personnel engaged in enforcement of state traffic and motor vehicle laws."

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

Approved July 26, 1963.

Time: 4:50 P. M.

Act No. 194

H. 266—Goodwyn, Crawford,
Turner (Crenshaw)

AN ACT

To amend Code of Alabama 1940, Title 41, Section 10, in relation to the commissioning of notaries public.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 41, Section 10 is hereby amended to read as follows:

“Section 10. The judges of the several courts, the attorney general, the solicitors, the secretary of state, the auditor, the treasurer, the superintendent of education, the commissioner of agriculture and industries, the director of the department of conservation, the public service commissioners, the director of the department of revenue, the director of the department of finance, the director of the department of corrections and institutions, the director of industrial relations, the director of the state department of pensions and security, the clerk of the supreme court, the clerks of the circuit courts, the sheriffs, the tax assessors, the tax collectors, the county treasurers, the county commissioners, the justices of the peace, the constables and notaries with powers of justices of the peace, and all other officers when specifically required by other provisions of law, before entering upon and exercising the duties of their respective offices, must obtain a commission.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1963.

Time: 4:47 P. M.

Act No. 195

H. 364—Engel, Edington, Glass, Downing,
Bevill, Cooper, Owens, Rast, Locke,
Rogers, Edwards (Escambia), Fields,
McDermott, Turner (Crenshaw),
McCorquodale, Hogan, Jones (Monroe),
Nettles, Wood, Smith, Mashburn,
Edwards (Lowndes), Brewer

AN ACT

To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$10,000,000 principal amount of bonds in addition to those heretofore authorized; to provide that the proceeds of said bonds shall be used to provide for the refunding and retirement of outstanding revenue securities heretofore issued by said Department, for the payment of expenses of issuing said additional bonds, and for the construction, improvement

and equipment of additional seaport facilities within the State; to permit the issuance hereunder of additional parity bonds, secured on a parity of lien with all bonds issued hereunder, provided the said additional parity bonds are hereafter authorized by the Legislature of Alabama; to provide for the details of bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to authorize said Department, with the approval of the Governor, to issue its notes not exceeding \$1,000,000 in principal amount in evidence of temporary loans made to it; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of revenues of said Department; to designate the revenues from which the principal of and the interest on bonds and notes issued hereunder may be made payable; to provide for and authorize the pledge of the said revenues for payment of the said principal and interest; to authorize the Department to invest in direct obligations of the United States of America any funds available for the purpose of retiring said outstanding revenue securities; to provide for the retirement of such outstanding revenue securities by the deposit of cash or such obligations of the United States or both in an irrevocable trust fund, which may be administered by a corporate trustee; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing the same or any pledge or instrument securing the same; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits of funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful investments for fiduciary funds; and to provide for the disposition of the revenues of the said Department while any of said bonds or notes are outstanding.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this Act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular, and the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Additional parity bonds” means any bonds that may be hereafter authorized by subsequent legislation, and that are issued by the Department and secured on a parity of lien with all bonds, pursuant to any privilege reserved by the Department under the provisions of Section 4 of this Act.

“Bonds”, when not preceded by any of the words “new” or “additional parity”, means and includes new bonds and additional parity bonds.

“Combined system” means all seaport facilities of the Department now or hereafter acquired, and includes but is not limited to intangible properties, contracts, franchises, leases, and choses in action in connection with such seaport facilities, and all extensions, improvements and additions thereto.

"Department" means the Alabama State Docks Department established by Act No. 103 adopted at the Regular Session of 1955 of the Legislature of Alabama, and any department or agency of the State that may succeed to the functions of said Alabama State Docks Department.

"Director" means the Director of the Department or any official that may succeed to his duties.

"Governor" means the Governor of the State.

"New bonds" means the bonds authorized in Section 3 hereof.

"New system" means those portions of the combined system heretofore or hereafter acquired as follows: those seaport facilities of the Department acquired prior to June 1, 1963, pursuant to lease agreements with the City of Mobile, Alabama; and those seaport facilities of the Department acquired in whole or in part with proceeds from notes, new bonds or additional parity bonds, or outstanding revenue securities, or revenue securities heretofore refunded in whole or in part by outstanding revenue securities.

"Notes" means notes issued hereunder.

"Old system" means those portions of the combined system not included in the new system, and includes all seaport facilities hereafter acquired which are not part of the new system.

"Order" means an order made by the Director and approved by the Governor.

"Outstanding revenue securities" means any outstanding revenue securities issued by the Department prior to the effective date of this Act.

"Seaport facility" means any improvements, including any real or personal property, structure, or facility used or useful in promoting, developing, constructing, maintaining or operating seaports within the State.

"Secretary-Treasurer" means the secretary-treasurer of the Department, or any person that may succeed to or perform the duties of said secretary-treasurer.

"State" means the State of Alabama.

"United States" means the United States of America.

"United States securities" means securities that are direct obligations of the United States.

Section 2. Declaration of Legislative Intent. The object of this Act is to provide funds for the construction, improvement and equipment of additional seaport facilities, and to put the Depart-

ment in a position to take advantage of such favorable market for public securities as may develop by providing for the refunding and retirement of outstanding revenue securities. This Act shall be liberally construed in order to effectuate its object.

Section 3. Power to Issue New Bonds. Subject to the provisions of this Act, the Department, with the approval of the Governor, may from time to time and at any time sell and issue new bonds, not exceeding \$10,000,000 in aggregate principal amount, for the following purposes: (a) to pay the reasonable and necessary expenses of issuing the new bonds, including such reasonable fees of agents and attorneys as the Department may determine to be necessary; (b) to provide funds for the construction, improvement and equipment of additional seaport facilities at a cost not exceeding \$3,000,000, provided that a part of such sum not exceeding \$1,000,000 may be used to repay or fund any notes that may have been issued by the Department since July 1, 1963 in evidence of temporary loans made to it for the construction and equipment of additional seaport facilities; and (c) to refund and provide for the retirement of all or such part of the outstanding revenue securities as the Director with the approval of the Governor shall determine will be advantageous, for which purpose not exceeding \$7,000,000 of the proceeds of the new bonds may be used. Proceeds from the new bonds shall be deemed to be applied for the refunding and retirement of outstanding revenue securities, within the contemplation of clause (c) of this section, not only if such proceeds are applied directly for that purpose but also if they are deposited in one or more irrevocable trust funds established pursuant to Section 12 hereof which, with the interest to be paid by the United States on any such United States securities, will be sufficient to effect retirement, by payment of principal, interest and any necessary redemption premiums, of those of the outstanding revenue securities that the Director with the approval of the Governor shall determine will be advantageous.

Section 4. Additional Parity Bonds May be Hereafter Authorized. In any order under which new bonds may be issued the Department may reserve the privilege of issuing, upon compliance with such conditions as may be specified in said order, additional parity bonds, secured on a parity of lien with the bonds at any time outstanding; provided that no additional parity bonds shall be issued pursuant to any such reserved privilege unless such additional parity bonds shall have been authorized by the Legislature of Alabama. Additional parity bonds so issued shall be payable out of the same revenues as the bonds, and shall be secured by a pledge of the revenues herein authorized to be pledged for the bonds on a parity with all pledges of said revenues for the benefit of the bonds theretofore and thereafter issued. The limitation set forth in Section 3 hereof on the principal

amount of bonds that may be issued pursuant to that section shall not apply to additional parity bonds.

Section 5. Temporary Loans. The Department, with the approval of the Governor, may from time to time issue its interest-bearing notes not exceeding \$1,000,000 in aggregate principal amount, to mature not later than six months from the date of their issuance, and to be executed in the same manner that bonds are hereinafter in Section 7 authorized to be executed. Such notes may be sold at public sale as the Department may direct, and shall be repayable solely from the revenues which the Department is herein authorized to pledge for payment of its bonds, and also from the proceeds of any securities that may subsequently be issued to retire or fund such notes.

Section 6. Details Respecting the Bonds. The bonds may be issued in one or more series, shall be in such forms and denominations and of such tenor, shall mature in annual installments the first of which shall mature not later than one (1) year and the last of which shall mature not later than twenty (20) years from their respective dates, provided that the largest installment of principal and interest maturing thereon in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing in any prior year, shall bear such rate or rates of interest payable and evidenced in such manner, all as may be provided in the order or orders of the Director wherein any of the bonds are authorized to be issued; provided, that no such order shall be valid without the written approval of the Governor. Said order or orders may provide for any or all of the following: the use and disposition of the revenues of the Department; the setting aside of reserves for the bonds; the disposition and administration of any such revenues and reserves; the order in which the bonds shall be payable; limitations on the purpose or purposes to which the proceeds of sale of any of the bonds may be applied; the procedure, if any, by which the terms of any contract with the holders of any such bonds may be amended or abrogated; the amount of bonds the holders of which must consent to such amendment or abrogation; the manner in which such consent may be given; and any other provisions not inconsistent with this Act. The Department shall have the power to prescribe, in the order under which the first series of the bonds are issued, the terms and conditions under which bonds may thereafter be issued for the purposes described in Section 4 of this Act. The Department may at its election retain in the order or orders under which any of the bonds are issued an option to redeem all or any thereof at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in said order or orders and as may be briefly recited in the face of the bonds with respect to which such option of redemption is retained. Any of the bonds having stated maturities more than

five years after the date thereof shall be made subject to redemption at the option of the Department not later than the end of the fifth year after the date thereof and on any interest payment date thereafter, under such terms and conditions as may be provided in the order or orders authorizing the issuance of such bonds. The redemption price or prices of bonds shall not exceed the principal amount thereof plus any unpaid interest thereon to the date fixed for redemption, plus a premium which shall not exceed twelve (12) months' interest thereon.

Section 7. Execution of the Bonds. The bonds shall be issued in the name of the Department and shall be signed by the Director, and the seal of the Department shall be impressed thereon and attested by the Secretary-Treasurer, and all interest coupons applicable to the bonds shall be signed by the Director; provided, that the signature of one, but not of both, of said officers may be printed or otherwise reproduced in facsimile on any of the bonds in lieu of their being manually signed, the signature of the Director may be printed or otherwise reproduced in facsimile on the interest coupons in lieu of their being manually signed, and the seal of the Department may be printed or otherwise reproduced in facsimile on the bonds in lieu of being manually impressed thereon, all as may be provided in the order under which the bonds are issued.

Section 8. Sale of the Bonds. Any of the bonds may be sold at any time and from time to time as the Director, with the approval of the Governor, may deem advantageous. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Department for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the Department is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper then published in the State and which is customarily published not less than five days during each calendar week, each of which notices must be published one time not less than ten days prior to the date fixed for the sale. The terms and conditions under which each such sale may be held shall be fixed in an order; provided, that none of the bonds may be sold for a price less than the face value thereof plus accrued interest thereon to the date of their delivery; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Approval by the Governor of the terms and conditions under which any of the bonds may be issued shall be requisite to their validity. Such approval shall be entered on the order by which the bonds proposed to be issued are authorized, which shall be signed by the Governor. Such

approval by the Governor may be shown on any series of the bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization of such action is contained in the said approval signed by him. Neither a public hearing nor consent by the Department of Finance of the State or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 9. Bonds and Notes to be Limited Obligations; Pledge Therefor. The bonds and notes shall never be or constitute a debt of the State within the meaning of any constitutional provisions, and neither the faith nor the credit of the State shall ever be pledged or utilized therefor. The bonds and notes shall not be general obligations of the State or of the Department, but shall be payable solely out of revenues of the Department as herein provided. So long as any of the bonds or notes shall remain outstanding no part of the gross revenues from the new system shall be credited to or paid into the sinking fund for the Harbor Improvement Bonds of the State heretofore issued, or used to pay the expenses of administering the Department or operating or maintaining the old system. So long as any of the bonds or notes remain outstanding, the expenses of operating the new system shall be paid out of the gross revenues from the old system remaining after providing for payment therefrom of (a) the amounts required to be paid during the then current fiscal year into the sinking fund for the said Harbor Improvement Bonds, (b) the reasonable and necessary expenses payable during the then current fiscal year of administering the Department and maintaining and operating the old system, and (c) obligations payable by the Department during the then current fiscal year under valid leases at the time in effect and other then valid commitments of the Department, and to the extent the said remaining revenues from the old system shall not be sufficient in any fiscal year to pay the operating expenses of the new system, the said operating expenses of the new system shall be paid out of the gross revenues from the new system remaining after providing for payment of the principal and interest maturing on the bonds and notes during the same fiscal year. The principal of and interest on the bonds and notes shall be payable out of the gross revenues from the new system and, if the gross revenues from the new system should during any fiscal year be insufficient to pay at their respective maturities the principal of and interest on the bonds and notes, the said principal and interest shall be payable out of the aforesaid gross revenues from the old system remaining after providing for the items referred to in clauses (a), (b) and (c) of the preceding sentence. Any order authorizing the issuance of bonds or notes may pledge for payment of the principal thereof and interest thereon the revenues out of which they are payable.

Section 10. Notice of Order Authorizing Issuance of Bonds. Upon the entry of any order providing for the issuance of bonds, the Department may, in the discretion of the Director, cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in the State not less than five days in each calendar week, a notice in substantially the following form (the blanks being properly filled in), to be signed with the printed signature of the Director: "Alabama State Docks Department, an agency of the State of Alabama, on the _____ day of _____, 19____, made an order providing for the issuance of \$ _____ principal amount of bonds of the Department for the following purpose or purposes: (Here shall be inserted a brief and general description of the purpose of the issue). Said bonds are payable solely from revenues of the Department as described in said order. Any action or proceeding questioning the validity of said order or of the said bonds, or the pledge or any instruments securing said bonds, must be commenced within twenty days after the first publication of this notice. _____, Director of Alabama State Docks Department." Any action or proceeding in any court to set aside or question the order for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds or the validity of the pledge and any instruments made to secure such bonds must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said order, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said order, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 11. The Bonds and Notes and the Income Thereon Exempt from Taxation; the Bonds and Notes shall be Deemed Negotiable, and May be Used to Secure Deposits and for Investment of Fiduciary Funds. The bonds and the notes and the income therefrom shall be exempt from all taxation in the State. The bonds and the notes, when unregistered, shall be construed to be negotiable instruments although payable solely from a specified source as herein provided. Any of the bonds and notes may be used by the holder thereof as security for the deposit of any funds belonging to the State or to any instrumentality or agency of the State in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law, invest trust or any fiduciary funds in any of the bonds and notes.

Section 12. Provisions for Retirement of the Bonds and Outstanding Revenue Securities; Authorization to Invest in United States Securities for that Purpose. The Department may, in the discretion of the Director, provide for the retirement of outstanding revenue securities refunded hereunder by investing in United States securities, pending any date or dates on which such retirement can be consummated, proceeds of new bonds issued for that purpose, and also any other available funds of the Department including reserves or other special funds applicable to the outstanding revenue securities to be retired. The Department may provide for any such retirement by depositing cash or United States securities, or both, in one or more irrevocable trust funds, may enter into one or more irrevocable trust agreements with a corporate trustee for the administration of such trust funds and the use of all or any part of the interest income thereon to effect such retirement, and may pay reasonable compensation to such trustee thereunder. The Secretary-Treasurer may purchase United States securities, make such deposits of cash or United States securities or both, and take all other actions necessary to carry out the provisions of any order providing therefor.

Section 13. Severability Clause. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 14. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved July 26, 1963.
Time: 4:52 P. M.

Act No. 196

H. 489—Boston, Hannah

AN ACT

Providing further for the construction, maintenance and repair of roads and bridges in Lauderdale County; relieving the state highway department of certain duties relative to such construction, maintenance and repair; transferring such duties to the county governing body of Lauderdale County; providing for the transfer from the state highway department to the Lauderdale County governing body of certain funds, road equipment, machinery and supplies; providing for the assumption and retirement of outstanding debts incurred in the construction, maintenance and repair of Lauderdale County roads and bridges; requiring roads and bridges of Lauderdale County to be constructed, maintained and repaired on the basis of the county as a unit; providing for and requiring the appointment of a county engineer; repealing Act No. 30, H. 69, Regular Session of 1953 (Acts 1953, p. 32) and other conflicting laws; and providing that this act shall become operative only if approved at a referendum held in Lauderdale County, as herein provided.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall become operative only if approved by a majority of the electors of Lauderdale County voting in a referendum to be held on the date of the first countywide primary, general, or special election held after the passage of this act. The governing body of Lauderdale County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Do you favor having the court of county commissioners, board of revenue, or like county governing body of Lauderdale County exercise jurisdiction over the construction, repair and maintenance of county roads and bridges instead of the state highway department? Yes () No ()." If a majority of the votes cast at the election are "Yes," the provisions of this act shall become operative immediately. If the majority are "No," this act shall have no further effect.

Section 2. After this act takes effect as herein provided, the court of county commissioners, board of revenue, or like governing body of Lauderdale County shall be solely responsible for the construction, repair and maintenance of the roads and bridges in the county. Except as herein otherwise provided the county governing body shall have all the powers and jurisdiction with respect to county roads and bridges which are, or which hereafter may be, vested in or required of courts of county commissioners, boards of revenue, or other like county governing bodies by the general laws of this state, or vested in or required of the governing body of Lauderdale County by local law; and the members of the county governing body of Lauderdale County, except as herein otherwise provided, shall perform all the duties and services and shall exercise all the powers and authority with respect to the construction, repair and maintenance of county roads and bridges which are, or which hereafter may be, provided by law for members of courts of county commissioners, boards of revenue, or other like county governing bodies.

Section 3. When this act becomes effective, any unexpended monies remaining in the fund required by law to be maintained by the state highway department for use in the construction, repair and maintenance of county roads and bridges in Lauderdale County shall, except as may otherwise be provided by this act, be paid over to the county governing body of Lauderdale County. Thereafter, all funds and monies designated by law for use in the construction, repair and maintenance of county roads and bridges in Lauderdale County to which Lauderdale County may be entitled, whether from the proceeds of the state gasoline tax, the motor vehicle license tax, or other state tax, or any federal aid accruals, or from any other source whatsoever, shall be paid

to the county governing body of Lauderdale County by the appropriate county or state official.

Section 4. When this act becomes effective, the state highway department shall transfer and turn over to the county governing body of Lauderdale County road equipment, machinery and supplies of like kind and equal in value to the road equipment, machinery and supplies which Lauderdale County was required to transfer and turn over to the state highway department in accordance with Act No. 30, H. 69, Regular Session 1953 (Acts 1953, p. 32), which required the state highway department to construct, repair and maintain roads and bridges in Lauderdale County.

Section 5. All persons employed by the state highway department in the construction, repair and maintenance of county roads and bridges in Lauderdale County upon the adoption of this act shall cease to be employees of the state highway department, shall no longer be subject to the State Merit System Law, and shall insofar as is practical continue to be employed by the county in the construction, repair and maintenance of county roads and bridges in the county, subject to the approval of the county governing body.

Section 6. Any contract for the construction, repair or maintenance of county roads and bridges in Lauderdale County entered into by the state highway department prior to the adoption of this act shall remain in full force and effect until the terms thereof have been complied with.

Section 7. All outstanding financial obligations which were incurred prior to the adoption of this act for the construction, repair, or maintenance of county roads and bridges in Lauderdale County shall, upon the adoption of this act, become outstanding financial obligations of Lauderdale County, and shall be retired or paid in accordance with the terms under which such indebtedness was incurred.

Section 8. After this act becomes effective the roads and bridges of Lauderdale County shall be constructed, repaired, and maintained on the basis of the county as a unit and without regard to district lines. No county personnel or equipment shall be allocated or used in construction, repair, and maintenance of county roads and bridges on any basis other than the county as a unit.

Section 9. The county governing body shall appoint a county engineer, who shall possess all the qualifications prescribed for county engineers by the general laws of Alabama and who shall perform all the duties thereby required of county engineers. The engineer's salary shall be fixed and be payable in the manner prescribed in the general law for fixing and paying the salary of county engineers.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Act No. 30, H. 69, approved May 28, 1953 (Acts of Alabama, 1953, p. 32), and all other laws or parts of laws in conflict with the provisions of this act, are hereby repealed.

Approved July 26, 1963.

Time: 4:48 P. M.

Act No. 197

S. 123—McCain

AN ACT

To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama:

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Northport, Tuscaloosa County, Alabama, be altered, rearranged, changed and extended so as to include within the corporate limits of said City all of the following additional territory:

PARCEL 1:

As a point of beginning start at the Southeast corner of Section 33, Township 20 South, Range 10 West, which point is on the present city limits of the City of Northport, Alabama; thence Westwardly along the South boundary of said Section 33 and also the present city limits of the City of Northport to the Southwest corner of the Southwest Quarter of the Southeast Quarter of said Section 33; thence Northwardly along the West boundary of said Southwest Quarter of the Southeast Quarter to a point that is 210.0 feet South of the Northwest corner of said Southwest Quarter of the Southeast Quarter; thence Westwardly and parallel to the North boundary of the Southeast Quarter of the Southwest Quarter of said Section 33 for a distance of 210.0 feet to a point; thence Northwardly and parallel to the East line of said Southeast Quarter of the Southwest Quarter for a distance of 210.0 feet to a point on the North line of said Southeast Quarter of the Southwest Quarter; thence Eastwardly along the North line of said Southeast Quarter of the Southwest Quarter for a distance of 210.0 feet to the Northeast corner of said Southeast Quarter of the Southwest Quarter; thence Northwardly along the West line of the Northwest Quarter of the Southeast Quarter of said Section 33 to an intersection with the South boundary of the Shirley Road; thence Northwestwardly along the curving North boundary of said Shirley Road to an intersection with the West boundary of Lot 21 of the Foster Acres survey, a plat of said survey being recorded in Plat Book 5, at Page 97, in the Probate Office of Tus-

caloosa County, Alabama; thence Northwestwardly and along the Southwest line of said Lot 21 to the Northwest corner of said Lot 21; thence Eastwardly along the North boundary of said Lot 21 to the Northeast corner of said Lot 21; thence Northwardly along the West line of Lot 19 of said Foster Acres to the Northwest corner of said Lot 19; thence continue Northwardly along the West boundary of Lot 10 of said Foster Acres for a distance of 660 feet, more or less, to the mid-point of the West line of said Lot 10; thence Eastwardly to the mid-point of the East line of said Lot 10; thence Southwardly for a distance of 660 feet, more or less, to the Southeast corner of said Lot 10; thence Southwardly along the East line of said Lot 19 to a point that is 231 feet, more or less, North of the Southeast corner of said Lot 19; thence Eastwardly to the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 33; thence Eastwardly to the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 34, Township 20 South, Range 10 West; thence Southwardly to the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 34; thence Westwardly to the Southwest corner of said Section 34, which is the point of beginning.

PARCEL 2:

A parcel of land located in the Southwest corner of Section 3, Township 21 South, Range 10 West, being more particularly described as follows:

As a point of beginning start at the Southwest corner of said Section 3; thence Northwardly along the West line of said Section 3 for a distance of 636.3 feet to a point; thence Eastwardly on a bearing of North 88 degrees East to a point on the West boundary of U. S. Highway No. 69; thence Southwardly along the West boundary of said U. S. Highway No. 69 to an intersection with the South boundary of said Section 3; thence Westwardly along the South line of said Section 3 to the point of beginning.

PARCEL 3:

As a point of beginning start at the Southeast corner of Section 10, Township 21 South, Range 10 West; thence Westwardly along the South boundary of said Section 10 to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 10, said point being on the existing city limits of the City of Northport, Alabama; thence Northwardly along the West line of said Southeast Quarter of the Southeast Quarter to an intersection with the center of Snow's Mill Creek; thence Northwardly along the meanderings of the center of Snow's Mill Creek to an intersection with the North boundary of the right-of-way of the Watermelon Road; thence Westwardly along the North boundary of said Watermelon Road to an intersection with the East boundary

of the Hunter Creek Road; thence Northwardly along the East boundary of said Hunter Creek Road to an intersection with the South boundary of an old road known as the Old Watermelon Road; thence Eastwardly along the South boundary of said Old Watermelon Road to an intersection with the East line of said Section 10; thence Southwardly along the East line of said Section 10 to the point of beginning, less and except 1.67 acres located in the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 10 and owned by the Morgan Turner Estate.

PARCEL 4:

All that part of the West Half of the Northeast Quarter of Section 15, Township 21 South, Range 10 West, that lies East of the Snow's Mill Creek.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are, hereby expressly repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:15 P. M.

Act No. 198

S. 154—Taylor

AN ACT

To fix the compensation and allowance of certain election officers in every county of the state having a population of not less than 24,525 nor more than 24,675 according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to each county of the state having a population of not less than 24,525 nor more than 24,675 according to the last or any subsequent federal decennial census.

Section 2. Election officers who are appointed and serve under provisions of Chapter 1, Title 17, Code of Alabama 1940, as amended, shall receive compensation and allowances as follows: the returning officer and the inspectors and clerks shall each be entitled to ten dollars (\$10), and the returning officer shall receive in addition thereto five cents a mile in going to the courthouse and returning to the place of holding the election; the several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:16 P. M.

Act No. 199

S. 163—Evans

AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the Town of Butler so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Butler in Choctaw County are hereby altered, rearranged, and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within the boundaries and corporate limits, to-wit:

E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 18, Township 13 North, Range 2 West; and the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, Township 13 North, Range 2 West, in Choctaw County.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1963

Time: 4:45 P. M.

Act No. 200

S. 168—Adams

AN ACT

To Amend Section 4 of Act No. 119 of the Regular Session of the Legislature of 1961, an act providing for deputies, clerks and other assistants of certain officers of Houston County; regulating the compensation of such deputies, clerks and assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 119 of the Regular Session of the Legislature of Alabama of 1961 (Acts of Alabama 1961, Vol. 1, page 159), an act providing for the employment of deputies, clerks and other assistants to certain officers of Houston County, is amended to read as follows:

“Section 4. The clerk of the Circuit Court of Houston County, Alabama is hereby authorized and empowered to appoint one chief clerk whose compensation shall be an annual salary of

not more than thirty-six hundred dollars (\$3600.00) during the first year of his employment; and two additional clerks whose salaries shall not exceed twenty-four hundred dollars (\$2400.00) each during the first year of each clerks employment. The chief clerk and the two additional clerks herein authorized shall be entitled to an increase in salary after each year of employment through the first ten years of such employment of ten dollars (\$10.00) per month; and thereafter each shall be entitled to an additional increase of twenty dollars (\$20.00) per month after each additional five year period of employment, provided, however, that the salary of each clerk shall not exceed five thousand dollars (\$5000.00) per annum. Such increases shall be subject to the approval of the clerk of the circuit court. The provisions of this Act regarding the starting salary of the chief clerk shall only apply to a chief clerk who may be appointed by the clerk of the circuit court after March 1, 1961."

Section 2. All the laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective October 1, 1963 after its approval by the Governor or upon its otherwise becoming law.

Approved July 25, 1963.

Time: 4:17 P. M.

Act No. 201

S. 169—Adams

AN ACT

To establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Solicitor of the said 20th Judicial Circuit; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the General Funds of Houston and Henry Counties of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That in the 20th Judicial Circuit of Alabama (composed of Henry County and Houston County), there is hereby established the office of Clerk-Secretary to the Solicitor of the 20th Judicial Circuit of Alabama.

Section 2. Immediately upon the passage of this Act, and its approval, the Solicitor of the 20th Judicial Circuit of Alabama, shall appoint a Clerk-Secretary who shall serve at the pleasure of the said Solicitor, and the said Clerk-Secretary may be removed from office at any time by the said Circuit Solicitor.

Section 3. The said Clerk-Secretary shall do all of the clerical and secretarial work required of such Clerk-Secretary by the

Circuit Solicitor of said 20th Judicial Circuit of Alabama, and shall keep such records and perform such other duties pertaining to the office of the Circuit Solicitor, as such Clerk-Secretary shall be instructed or required to do by the said Solicitor of said 20th Judicial Circuit. The said Clerk-Secretary, when directed by the Solicitor, may enter the grand jury room when the grand jury is in session for the purpose of taking down the testimony of witnesses and later transcribing it for the use of the Solicitor or his deputies and assistants.

Section 4. The said Clerk-Secretary to the Circuit Solicitor of the 20th Judicial Circuit of Alabama shall receive a salary to be fixed and determined by said Solicitor, not to exceed the sum of Three Thousand Six Hundred Dollars per annum, which shall be payable in monthly installments out of the general fund of the counties composing said 20th Judicial Circuit of Alabama, each county to pay its pro rata of such salary, based upon the assessed value of all taxable property of such county or counties for the preceding year, on certificate issued by the Solicitor in favor of such Clerk-Secretary.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:19 P. M.

Act No. 202

S. 170—Adams

AN ACT

To make an appropriation from the county treasury of Houston County for the relief of Mrs. A. R. Gissendanner.

Preamble

Between closing time on December 5, 1962, and 8:00 o'clock A. M. on December 6, 1962, the office of Mrs. A. R. Gissendanner, Register of the Circuit Court of Houston County and the Houston Law and Equity Court, was entered and burglarized of \$413.00 by a convict who was a trusty working in the Houston County Courthouse.

Whereas, Mrs. A. R. Gissendanner is held personally responsible under the law for monies received through her office and has paid the deficiency from her personal funds, which sum is not subject to reimbursement or recovery at law.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$413.00 is hereby appropriated from the treasury of Houston County to reimburse Mrs. A. R. Gissendanner for the personal loss sustained by her by reason of the burglary of money for which she was responsible. The county commission,

board of revenue or other like governing body of Houston County is hereby directed to draw or cause a warrant to be drawn on the county treasury in favor of the said Mrs. A. R. Gissendanner for the amount herein appropriated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.
Time: 4:18 P. M.

Act No. 203

S. 241—Roberts

AN ACT

To further amend Section 2 of Act No. 501, S. 399, Regular Session 1957 (Acts 1957, p. 688) relating to the office of the judge of probate of Madison County, providing for an increased appropriation of county funds for the operation of such office and authorizing an additional contingent appropriation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 501, S. 399, Regular Session 1957 (Acts 1957, p. 688) relating to the office of judge of probate of Madison County, as amended, is further amended to read:

"Section 2. The judge of probate shall appoint his own clerks and assistants and fix their compensation, which shall be paid by the county. The court of county commissioners, board of revenue, or other like county governing body shall appropriate the sum of \$40,000 per annum for such purpose, and may in its discretion appropriate an additional sum of not more than \$20,000 per annum for like purposes."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.
Time: 4:19 P. M.

Act No. 204 S. J. R. 24—Hawkins, Gilchrist, Horton, Bentley, Nichols, Cooper, Adams, Carter, Tyson and Robison (Pickens)

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES concurring, as follows:

WHEREAS, the right of free and unlimited parliamentary debate has been a bulwark in the defense of States Rights and Constitutional Government during critical periods in the history of the Nation, the South and the State of Alabama, and

WHEREAS the Honorable Members of the United States Senate from Alabama and other Southern States are currently engaged in preparations for meeting the threat of ill-considered Force Bills being urged on the Congress by the Attorney General of the United States, and

WHEREAS unprecedented threats and pressures are being applied by the Attorney General of the United States and other advocates of such Force Bills, including the threat of mob demonstrations in Washington, to intimidate Southern Senators in their use of the right of free and unlimited parliamentary debate, and

WHEREAS the Legislature of Alabama desires to go on record to reassert its belief in free and unlimited parliamentary debate as a traditional and fundamental tenet of Constitutional Government, and

WHEREAS it is proper that this Legislature should at this critical time make its position known on this issue, toward the end that the United States Senators from Alabama and other Southern States, along with other adherents of States Rights and Constitutional Government, should be commended and encouraged in their exercise of free and unlimited debate.

THEREFORE, we the Members of the Alabama Senate and House of Representatives assembled, do hereby deplore and condemn efforts to throttle and silence free and unlimited parliamentary debate as it has been exercised in traditional Anglo-Saxon legislative bodies through the years; and we further deplore and condemn the use of threats and pressures, whether from legally-constituted officials or from lawless mobs, which would stifle free and unlimited debate; and we further urge our United States Senators from Alabama and other Southern States to stand firm in their rights, bowing before no threats or pressures from any source whatsoever, knowing that the people of Alabama and the South, as well as Americans everywhere who cherish States Rights and Constitutional Government, support

their advocacy of free and unlimited debate and their efforts against increased Executive Powers, Force Legislation and Mob Rule.

Approved July 25, 1963.
Time: 4:20 P. M.

Act No. 205

S. J. R. 28—Bentley

SENATE JOINT RESOLUTION

WHEREAS the Automotive Safety Showcase, a research and engineering exhibit of the Automobile Manufacturers Association, will be on exhibit at the State Capitol on Thursday and Friday, July 11 and 12; and

WHEREAS this Safety Showcase is a unique, educational exhibit of the importance of safety engineering; this safety education exhibit performs a valuable public information and education function in the interest of reduced highway and traffic accidents; and

WHEREAS this interesting and informative safety exhibit is sponsored by the State Department of Public Safety along with other public-interest organizations; and

WHEREAS the members of the Legislature have been invited by a legislative committee to view this Safety Showcase exhibit;

NOW THEREFORE BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, that members of both Houses are urged to view this public service display, the Safety Showcase, the inspection of which should prove to be a richly rewarding safety incentive for all who avail themselves of the opportunity.

Approved July 25, 1963.
Time: 4:22 P. M.

Act No. 206

S. J. R. 31—Oden

SENATE JOINT RESOLUTION

WHEREAS the members of the legislature were privileged to enjoy the hospitality of the Mobile Area Chamber of Commerce and the people of Mobile all of whom sponsored this most enjoyable Dauphin Island vacation during the week end of June 28th; and

WHEREAS our most gracious hosts with their well-known thoughtfulness and consideration planned and executed every phase of this most delightful period of relaxation and good fellowship with their customary success in entertaining; and

WHEREAS each member of the legislature found this vacation most enjoyable and beneficial and will long recall this true Southern hospitality with many fond memories, now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE CONCURRING,

That we wish to thank the Mobile Area Chamber of Commerce, the people of Mobile, and all those who joined in making this Dauphin Island vacation such a delightful and enjoyable experience.

Approved July 25, 1963.

Time: 4:23 P. M.

Act No. 207

H. J. R. 88—Turner (Limestone), Goodwyn, Meeks, Locke, Rast, Perry, Bales, Collins, Nabors, Owens, Burns, Daniel, Casey, Holladay, Crawford, Teel, Pierce, Turner (Crenshaw), Mashburn, Cornett, Bolton, Wood, Little, Etheredge, Boston, Hester, Branyon, Campbell (Tuscaloosa)

HOUSE JOINT RESOLUTION

WHEREAS, the members of the Legislature and their families were treated to an outstanding social occasion at Dauphin Island on the weekend of June 28-30; and

WHEREAS, the Mobile County Legislative Delegation assisted the hosts in entertaining us during this enjoyable and festive weekend; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we express our sincere thanks for the cordiality, hospitality, and good fellowship afforded us by the Mobile Delegation.

Approved July 25, 1963.

Time: 4:25 P. M.

Act No. 208

H. J. R. 89—Turner (Limestone), Rogers, Goodwyn, Perry, Meeks, Locke, Rast, Bailes, Collins, Nabors, Owens, Burns, Daniel, Casey, Holladay, Crawford, Teel, Turner (Crenshaw), Mashburn, Cornett, McDermott, Hogan, Engel, Boston, Fields, Edington, Downing, Smith, Wood, Little, Etheredge, Hester, Pierce, Bolton, Branyon, Campbell (Tuscaloosa), Powell

HOUSE JOINT RESOLUTION

WHEREAS, the members of the Alabama Legislature and the Governor's Staff were treated to a week-end at Dauphin Island on June 28, 29 and 30, 1963; and,

WHEREAS, the week-end was a most enjoyable one which will be remembered by all of those in attendance for many years to come; and,

WHEREAS, many persons contributed time and effort in order to make this week-end a success; and,

WHEREAS, it is the desire of the Legislature to express its thanks to those persons;

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate thereof concurring therein, that its members hereby express their deepest appreciation and sincere thanks to the following individuals and organizations whose contributions were material in making this week-end such a singular success:

Mr. William P. Boggs, for his efforts in coordinating and planning the week-end; Mr. Ben Berger, for his untiring efforts in securing the boats from which fishing was enjoyed; Mr. William J. Adkins, of the Isle Dauphine Club, for his hospitality and many kindnesses in making all present welcome at the Club; Mrs. William J. Adkins, for the excellent food prepared under her supervision; The Dauphin Island Businessmen's Association, for the work of its members in helping to make our stay such an enjoyable one; The Board of Directors of the Isle Dauphine Club, for making the facilities of the Club available for the use of those in attendance; Mrs. Carolyn Hager, Mr. John Hollman, Mr. Ed Sawyer, and Mrs. Carol Rhodes, for their assistance in seeking places of lodging for the legislators, their wives and families.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be instructed to send a copy of the foregoing

resolution to each of the individuals and organizations hereinabove named.

Approved July 25, 1963.

Time: 4:26 P. M.

Act No. 209

S. 120—Carter

AN ACT

To provide for and require reidentification of the registered electors of Jackson County; imposing duties upon the board of registrars and other county officers, and upon the electors whose names appear on lists of qualified voters, prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The registered electors of Jackson County whose names appeared on the published list of qualified voters at the last general election for state or county officers shall each reidentify himself or herself as provided in this Act before January 1, 1965, for the names of all those who fail, neglect, or refuse to do so shall be omitted from the lists published thereafter.

Section 2. (a) A voter may reidentify himself by appearing in person before the board of registrars or the judge of probate or one of the duly authorized clerks of the board or judge and answering such questions and submitting such proof as may be set forth hereinafter to establish his identify and place of legal residence.

(b) A voter may reidentify himself at any election at which he votes before January 1, 1965, by answering and signing the questionnaire form provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who shall also sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) The board of registrars or its duly authorized clerk may visit every precinct in the county for the purpose of reidentifying voters, and a voter may reidentify himself by appearing in person before the board or its clerk in any such precinct and answering such questions as are set forth in the questionnaire form hereinafter prescribed. Due notice of a visit to a precinct for the purpose of reidentifying voters shall be given by publication in a newspaper of general circulation in the county for at least twenty days in advance of the visit, and by posting a copy of the notice in at least three public places in the precinct for the same length of time. The board of registrars and its clerk shall be allowed no more than 30 days in excess of any maximum number of meeting days now provided by law for the purpose of reidenti-

fying voters. The board or clerk shall be entitled to the same per diem allowances for the extra meetings as they are entitled to receive for regular meetings.

(d) A voter who is on active duty in the armed forces of the United States or the spouse of a member of the armed forces on active duty, or any qualified elector of the county who is confined to a hospital other than a hospital for mental patients or any physically incapacitated person, who under the general laws of Alabama is qualified to vote absentee ballots, may also reidentify himself or herself by filling in and mailing to the judge of probate the completed answers to such questions as are set forth in the questionnaire form hereinafter prescribed. The voter's signature to such questionnaire must be witnessed by a commissioned officer of the branch of the armed forces to which the voter is assigned, in the case of a qualified elector on active duty in the armed forces, and by a licensed practicing physician in attendance on any physically incapacitated person who may be qualified to vote absentee ballot.

Section 3. The questionnaire form which shall be executed by each voter shall be substantially as follows:

Voter Reidentification Questionnaire

Jackson County

Name of registered elector. (If elector is a married woman, she must give the full name of her husband and her own maiden name.)

_____, _____, _____
 (Last Name) (First Name) (Middle Name)
 Permanent residence address in _____ County:
 (Street or route) _____
 (City, town, or community) _____
 (Post office address if different from above.) _____

 (City, county, state or country)
 Date of birth: _____
 (Month) (Day) (Year)

Place of birth: _____
 (City, County, State)

Sex: Male () Female ()

Race or color: _____

Voting place: _____
 (Give location of polling place where you voted in the county the last time you voted in person.)

I declare under penalties of perjury that I have executed this questionnaire form to the best of my ability, and to the best of my knowledge and belief the information stated herein is true,

correct and complete; also, that I have not been disqualified from voting under the laws of Alabama.

(Signature of voter)

Date: _____

Attest:

(Signature of Witness)

(Title of witness)

Section 4. After December 31, 1964, the board of registrars and judge of probate of Jackson County shall omit or remove from the lists of qualified voters of the county the names of all registered electors who do not reidentify themselves as required in this Act. However, no person whose name is so removed or omitted from the lists of qualified voters shall be by that fact alone disqualified from voting in the county, nor shall he be required to re-register. But proof of his or her qualifications to vote must be made before he or she is allowed to vote at any election.

Section 5. The governing body of Jackson County shall provide the board of registrars and the judge of probate the supplies, printed forms, advertisements, equipment and clerical help necessary for reidentification of voters in the county as required by this Act.

Section 6. Whoever willfully makes a false statement in executing a voter reidentification questionnaire form is guilty of perjury, and upon conviction shall be punished by imprisonment for not less than one year nor more than five years.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:28 P. M.

Act No. 210

S. 147—McDow

AN ACT

Relating to the office of solicitor of the Eighteenth Judicial Circuit; creating a solicitor's fund for the use of the circuit solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. All circuit solicitors' fees imposed by the circuit court and hereafter collected in the Eighteenth Judicial Circuit under the provisions of Section 85 of Title 11, Code of Alabama 1940, as amended, shall be paid into the county treasury of the county where the fee is imposed and collected, to the credit of a solicitor's fund, to be used and expended as provided in Section 2 of this Act.

Section 2. The circuit solicitor of the Eighteenth Judicial Circuit is hereby authorized to make requisitions on the solicitor's fund for the payment of any and all expenses incurred by him in the operation of his office and the proper discharge of his duties as he sees fit.

Section 3. The provisions of Code of Alabama 1940, Title 29, Section 251, as amended, in conflict with this Act are repealed as to all counties composing the Eighteenth Judicial Circuit of Alabama.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:35 P. M.

Act No. 211

S. 242—McCain

AN ACT

To provide and providing that in all counties in Alabama whose population is not less than 100,000 people and not more than 115,000 people according to the 1960 or any subsequent Federal decennial census that all non-profit public general hospitals which are agencies of such counties or of any city located in such counties or of both such counties and cities, and all hospital boards operating such hospitals within such counties, shall be authorized and empowered to adopt, contract for, obtain and maintain a retirement pension plan for its officers and employees or such of its officers and employees as it may determine, and to contract for, obtain and maintain a pension trust agreement with any bank, banking institution or insurance company authorized by law to act as a trustee in the State of Alabama, and to contribute and pay to such trustee all funds and monies reasonably necessary to provide for all

retirement pensions provided for in said retirement pension plan and all costs or expenses of servicing the same, and to contract for, obtain and maintain policies of group life, health, accident and hospitalization insurance and insured or uninsured retirement plans for its officers and employees or for such of its officers and employees as it shall determine to be entitled thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all Counties in Alabama whose population is not less than 100,000 people and not more than 115,000 people according to the 1960 or any subsequent Federal decennial census that all non-profit public general hospitals which are agencies of such counties or of any city located in such counties or for such counties and cities, and all hospital boards operating such hospitals within such counties are hereby authorized and empowered to adopt, contract for, obtain and maintain a retirement pension plan for its officers and employees or for such of its officers and employees as it may determine, to be entitled thereto, and to contract for, obtain and maintain a pension trust agreement with any bank, banking institution or insurance company authorized by law to act as a trustee in the State of Alabama, and to contribute and pay to such trustee all funds and monies reasonably necessary to provide for all retirement pensions and all other benefits provided for in said retirement pension plan and all costs or expenses of servicing the same, and to contract for, obtain and maintain policies of group life, health, accident and hospitalization insurance and insured or uninsured retirement plans, or any one or more of them, for its officers and employees or for such of its officers and employees as it may determine to be entitled thereto, and shall have power and authority to contract for and obtain and maintain retirement pension trust agreements, individual annuity contracts, retirement income policies or group annuity contracts to provide a retirement plan for the benefit of such of its officers and employees as it may determine to be entitled thereto, and as shall or may elect to accept the same, and who have authorized it in writing to make deductions from their compensation to pay contributions to such pension trust or to pay premiums on any such policy or policies, if such contributions or premiums be payable in whole or in part by such officers or employees. The term "insurance", as used in this Act, includes the term "annuity", and the term "policy" includes the term "contract".

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:35 P. M.

Act No. 212

S. 255—Adams

AN ACT

To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of every county in this state which has a population of not less than 50,000 nor more than 54,000, according to the last or any subsequent federal decennial census, shall receive from the public school funds of the county the sum of seven dollars and fifty cents (\$7.50) per day for attendance at meetings of the board and the sum of thirty-five dollars (\$35.00) per calendar month as an allowance for expenses incurred in attending meetings and transacting business of the board. It is the intention of this act that each member of the board shall receive the lump sum of Thirty-Five dollars (\$35.00) each month for expenses without it being necessary to itemize such expenses and to further provide that no board member shall receive such expense allowance unless he attends at least one duly called board meeting each month or an official committee meeting when as many as three members of the board are present; and to further provide that the above expense allowance shall be in lieu of any other expenses provided by law for members of county boards of education in counties in which this act applies. The necessary expenses of board members outside the confines of the county or state shall not be included in the above expense allowance but shall be in addition to such allowance; and further that out of county or out of state expenses shall be incurred only upon the approval of the board of education. Members of the board shall not be allowed per diem for more than twenty-four (24) days in any one year. Such compensation and expense allowance shall be paid in the same manner as provided for the payment of the compensation of teachers.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:40 P. M.

Act No. 213

S. 258—Roberts

AN ACT

For the relief of W. O. Cobb of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate W. O. Cobb for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of county commissioners, board of revenue, or other like governing body of Madison County may appropriate from any funds in the county treasury not otherwise appropriated the sum of seventy-two dollars and thirty cents (\$72.30) for the relief of W. O. Cobb of Madison County to compensate him for damages sustained when his automobile windshield was hit by a rock thrown from a wheel of a motor vehicle owned by Madison County and being operated on a public road in the county at the time by an employee of the county, which accident occurred under such circumstances that the county is justly obligated to pay the damages but the said W. O. Cobb has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:41 P. M.

Act No. 214

S. 259—Roberts

AN ACT

For the relief of H. E. McBride of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to appropriate county funds for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of county commissioners, board of revenue, or other like governing body of Madison County may appropriate the sum of thirty dollars (\$30) from any funds in the county treasury not otherwise appropriated for the relief of H. E. McBride of Madison County to compensate him for property damages sustained as a result of a motor vehicle collision in December, 1962. The accident involved a motor vehicle owned by Madison County which was being operated on a public road in the county at the time by an employee of the county, and the accident occurred under such circumstances that the said H. E. McBride has no recourse of law to recover his damages, yet the county is morally and justly obligated to pay the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:42 P. M.

Act No. 215

S. 260—Roberts

AN ACT

For the relief of Sammy White of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate Sammy White for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of county commissioners, board of revenue, or other like governing body of Madison County may appropriate from any funds in the county treasury not otherwise appropriated the sum of one hundred five dollars and seventy-five cents (\$105.75) for the relief of Sammy White of Madison County to compensate him for damages sustained when his automobile windshield was hit by a rock thrown from a wheel of a motor vehicle owned by Madison County and being operated on a public road in the county at the time by an employee of the county, which accident occurred under such circumstances that the county is justly obligated to pay the damages but the said Sammy White has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1963.

Time: 4:43 P. M.

Act No. 216

H. 288—Fite, Brewer, Bethea (M)

AN ACT

To make an appropriation from the State Treasury to the use of the Department of Public Safety and Conservation and the Alcoholic Beverage Control Board.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of Two Hundred Fifty Thousand Dollars (\$250,000), or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated to the use of the Department of Public Safety and Conservation and the Alcoholic Beverage Control Board for the

payment of any expenses incurred by said agencies during any emergency situation. The appropriation as herein made shall be paid out to such agencies only on orders of the governor and no part thereof shall be used for the payment of salaries.

Section 2. The appropriation made in this Act is in addition to all other appropriations heretofore made and it is provided that the personnel of the Department of Public Safety that were assigned on special detail in Birmingham, Alabama, receive their per diem and expense allowance for the period so assigned after allowance of expenses already paid on behalf of each of them by the State. It shall not lapse at the end of the fiscal year but shall continue in effect as long as any part thereof remains unexpended.

Section 3. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved July 29, 1963.
Time: 10:45 A. M.

Act No. 217

H. J. R. 86—Nabors

HOUSE JOINT RESOLUTION

WHEREAS, the special constitutional amendment election ordered to be held on Tuesday, August 13, 1963, by Act No. 91, H. 37, Second Special Session 1963, will entail unnecessary expenses for the State and the several counties in view of the fact that the amendment can be voted on at the same time as other amendments submitted at this session without detriment to the people or the public interest; and

WHEREAS, the Justices of the Supreme Court of Alabama advised the Legislature on a former occasion that there are no requirements of law as to the form that a legislative appointment of the day for an election must take, and that the designation of the day may be incorporated in the act or resolution proposing the amendment or otherwise; and

WHEREAS, there is no prohibition in law which prevents a redesignation of a day appointed for holding the election on the constitutional amendment proposed by said Act No. 91; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon the amendment proposed by said Act No. 91 is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the 1963 Regular Session of the Legis-

lature, and the order incorporated in said Act No. 91, Section 2, is hereby rescinded.

RESOLVED FURTHER, That the Secretary of State, the Honorable Agnes Baggett, is hereby directed to recall her certificate dated June 13, 1963, and forthwith to notify the probate judges of the several counties of this order.

Approved July 30, 1963.

Time: 3:00 P. M.

Act No. 218 H. 404—Hogan, Rogers, Engel, Edington, Smith,
Downing, Fields, McDermott

AN ACT

Relating to counties having populations of not less than 300,000 nor more than 500,000; to provide further for fixing valuations of real property for ad valorem taxation.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 300,000 nor more than 500,000, according to the last or any subsequent federal decennial census.

Section 2. Any person, firm, or corporation who anticipates that he or it will be the owner of any real property on October 1 may make a return of such property for taxation during the period January 1 through September 30 of that year. The tax assessor may value any such property during that period, but any property so returned and valued shall be included for tax purposes and in abstracts and other reports required of tax assessors as having been made during the regular tax assessment period (October 1 through December 31) next following such return and valuation.

Section 3. It is the intent of this Act that real property may be returned and valued for ad valorem tax purposes at any time during the period from January 1 through September 30 as well as during the regular tax assessment period and that the time prescribed for the payment of ad valorem taxes, the procedures for fixing valuations by the board of equalization, and the procedures for taking appeals from valuation and assessments shall not be affected by this Act.

Section 4. This Act shall be construed to be supplemental to Act No. 934, H. 1268, Regular Session 1961 (Acts 1961, p. 1506) and Code of Alabama 1940, Title 51, as amended and supplemented, but shall repeal any conflicting provisions thereof.

Section 5. This Act shall become effective October 1, 1963.

Approved July 26, 1963.

Time: 4:46 P. M.

Act No. 219

H. J. R. 95—Collins

HOUSE JOINT RESOLUTION

WHEREAS, John Clifford Giles, a native son of Alabama has distinguished himself by contributing his literary talents to the people of Alabama and the entire country, and

WHEREAS, John Clifford Giles, has recently brought credit and honor to himself by collaborating with Bruce Palmer in the writing and publishing of the novel, HORSESHOE BEND, the story of the Creek Nation which was vanquished on an Alabama battleground in 1814, and

WHEREAS, the novel is soon to be filmed and will bring further credit to John Clifford Giles and the State of Alabama; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That we recognize and honor John Clifford Giles as an author and loyal native son of Alabama.

Approved August 6, 1963.

Time: 4:35 P. M.

Act No. 220

H. J. R. 96—Pennington, Reynolds, Baker
(Madison)

HOUSE JOINT RESOLUTION

WHEREAS, Our friend and colleague, Honorable Joe S. Foster, Jr., of Madison County underwent a serious operation recently and is now confined to the Huntsville Hospital in Huntsville, Alabama; and

WHEREAS, Mr. Foster had served with distinction as a member of the Senate of the State of Alabama during the Persons Administration; and

WHEREAS, Mr. Foster had served both notably and admirably as a member of the Public Service Commission during the Patterson Administration; now

THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature of Alabama expresses its concern over the welfare and condition of this outstanding statesman in recognition of his many years of devoted and esteemed service to his state and fellowman and wishes for him a rapid recovery.

BE IT FURTHER RESOLVED That the Clerk of the House be directed to send a copy of this Resolution to Honorable and Mrs. Joe S. Foster, Jr.

Approved August 6, 1963.

Time: 4:37 P. M.

Act No. 221

H. J. R. 98—Sullivan

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That part of State Highway No. 159 leading from U. S. Highway 82 at Gordo to the Fayette County line shall be named the Lewis Davis Highway in recognition of Dr. Lewis Davis, former county commissioner of Pickens County, who was instrumental in having this farm to market road made a state highway; and the State Highway Department shall cause appropriate markers to be erected along said highway designating its name.

Approved August 6, 1963.

Time: 4:40 P. M.

Act No. 222

H. J. R. 99—Bolton, Camp

HOUSE JOINT RESOLUTION

WHEREAS Mr. Newman Franklin Nunnelley, superintendent of schools in Talladega County, passed away on July 6, 1963; and

WHEREAS Mr. Nunnelley devoted his life to a long and successful career in the educational field and to public school administration in particular, having served as a principal in the public schools of the state from 1930 to 1947 since which time he had held the position of superintendent of schools in Talladega County for sixteen years until his untimely death; and

WHEREAS Mr. Nunnelley was an eminently qualified administrator by education as well as by experience being a graduate of Jacksonville State Teachers College and the University of Alabama from which institutions he was awarded the B.S. and M.A. degrees respectively, and having studied further at Columbia University; and

WHEREAS Mr. Nunnelley had a wide variety of interests and was a leader or key mover in many activities. At Holt High School he organized Hi-Y and Tri-Y Clubs for boys and girls, the National Honor Society, and the school band. He also taught a bible class and served on the Board of Deacons at the Holt Baptist Church. At Talladega he was active in the Citizens for Progress Movement; served on the rural scouting committee of the National Boy Scouts of America of which he was a member; contributed immeasurably to the work of 4-H Clubs and the F.F.A.; was a member and director of the Kiwanis Club; deacon of the First Baptist Church; member of the Chamber of Com-

merce; secretary and later director of the United Givers Fund; vice-chairman and member of the executive committee of the American Red Cross; member of the Citizen's Advisory Committee to the Program Board of the American Educational Television Committee; and had recently been elected president of the Alabama Association of School Administrators after having previously served so ably as secretary-treasurer; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That the State of Alabama suffered a severe loss in the passing of Mr. Nunnelley who contributed so much to our people and particularly to our youth.

BE IT FURTHER RESOLVED that this body extends its deepest regret and sincere sympathy to the surviving members of Mr. Nunnelley's family.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mrs. Newman Franklin Nunnelley and a copy to the members of the Talladega County board of education.

Approved August 6, 1963.

Time: 4:50 P. M.

Act No. 223

H. 921—Fite, Brewer

AN ACT

To make an additional appropriation for payment of expenses of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of Four Hundred Thousand Dollars (\$400,000.00) is hereby appropriated from any funds in the State Treasury not otherwise appropriated for the payment of the expenses of the Legislature. The appropriation herein made is in addition to all other appropriations heretofore made for the purpose herein stated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 6, 1963.

Time: 4:55 P. M.

Act No. 224

S. 282—Dumas, Tyson, Robison (Montgomery)

AN ACT

To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$10,000,000 for the purpose of financing the construction and equipment of works of internal improvement for use and operation as a part of the State Docks facilities and providing for the retirement of all or any part of the revenue bonds heretofore issued by Alabama State Docks Department.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

The State of Alabama is authorized to become indebted for improvements at the Alabama State Docks and the refunding of State Docks revenue bonds, and in evidence of the indebtedness so incurred to issue and sell, in addition to all other bonds of the State, interest bearing general obligation bonds of the State not exceeding ten million dollars (\$10,000,000) in principal amount. The full faith and credit and taxing power of the State are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The Alabama State Docks Department (which term as used herein shall be construed to include any other agency of the State that may succeed to said Department's functions) shall pledge and use so much of the revenues derived from its seaport facilities as may be necessary to pay at their maturities the principal of and interest on said bonds, and may pledge, agree to use, and use so much of said revenues as the said Department with the approval of the Governor may determine shall be necessary or desirable to build up and maintain reserves for the payment of said principal and interest and for the maintenance, replacement and improvement of its seaport facilities. The proceeds from the sale of any such bonds shall, after payment of the reasonable and necessary expenses of their issuance, be set aside in a special fund in the State Treasury and shall be paid out to the Alabama State Docks Department upon authorization by the Governor and shall be held by the said Department in a special trust fund designated "State Docks Bond Fund" and therefrom be disbursed as follows:

(a) not exceeding \$3,000,000 may be used to pay the reasonable and necessary costs of constructing and equipping works of internal improvement for use and operation as a part of the State Docks facilities; provided that, if said Department shall

have issued subsequent to July 1, 1963, any notes in anticipation of the sale of bonds for any of said purposes, then so much as may be necessary, not exceeding \$1,000,000, of said \$3,000,000 shall be used to retire or fund said notes; and

(b) not exceeding \$7,000,000 may be used to refund and provide for the retirement of all or such part of the outstanding revenue bonds heretofore issued by said Department as the Director thereof, with the approval of the Governor, shall deem advantageous, including payment of any redemption premiums required under the terms of said outstanding bonds to be paid in order to effect redemption thereof prior to their maturities; provided, that pending any redemption date or dates on which the outstanding bonds so refunded can be redeemed under their terms, any part of said \$7,000,000 and any other funds of the said Department may be invested in securities that are direct obligations of the United States of America, and such securities may be deposited by said Department under irrevocable trust agreements, which said Department is hereby authorized to enter into with any corporate trustee, and used to pay principal, interest and redemption premiums on said outstanding bonds.

Alabama State Docks Department is hereby vested with full authority, except as limited herein, to prescribe the terms of the bonds and to provide for the issuance and sale thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates, payable and evidenced in such manner, and may contain provisions for redemption at the option of the State to be exercised by the State Docks Department at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said Department in the order or orders under which the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the authorizing order or orders, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. The largest installment of principal and interest maturing on each series of the bonds in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing thereon in any prior year. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery. The bonds shall be sold only at public sale or sales, either on sealed bids or at auc-

tion, after such advertisement as may be prescribed by the said Department to the bidder whose bid reflects the lowest net interest cost to the State computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said Department is received all bids may be rejected.

The bonds shall be signed in the name of the State by the Governor and countersigned by the State Docks Director, and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any of such bonds in lieu of being manually signed thereon. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature shall constitute due and sufficient authentication of said coupons.

All bonds issued under the provisions of this amendment, together with the interest income thereon, shall forever be exempt from taxation in this State.

The authorization to incur debt and issue bonds contained in this amendment shall supersede and take the place of any authorization for Alabama State Docks Department to issue revenue bonds granted by act of the Legislature in effect on the effective date of this amendment.

The provisions of this amendment shall be self-executing and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate as amended, July 18, 1963.

Passed the House, July 26, 1963 as amended.

AN ACT

To propose an amendment to the Constitution of Alabama relating to the costs and charges of courts, and the fees, commissions, percentages, allowances, and compensation of the officers of Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

AMENDMENT

"The legislature may, by general or local laws, fix, alter, and regulate the costs and charges of court and the fees, commissions, percentages, allowances, and salaries, including the method or basis of their compensation, to be charged or received by the judge of probate, sheriff, circuit clerk, register of the circuit court, tax assessor, tax collector, or any other officer of Marshall County, and may place any of such officers on a salary and provide that the fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries shall be paid. The compensation of such officers shall not be increased or diminished during their terms."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 21, 1963.

Passed the Senate August 6, 1963.

AN ACT

Proposing a constitutional amendment relating to Marion County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Proposed Amendment

(1) Marion County shall have full and continuing power and authority, notwithstanding the provisions of Sections 94, 215, 222 and 224 of this Constitution, to do and perform any act and to engage in any activity that municipalities in said county are authorized to do, perform and engage in under the provisions of the amendment to this Constitution that was proposed by Act No. 1 adopted at the Second Special Session of 1950 of the Legislature of Alabama (commonly referred to as Amendment LXXXIV), including specifically, without limiting the generality of the foregoing, the power to become indebted and in evidence thereof to issue bonds, warrants and other securities of said county for any of the purposes for which municipalities may issue securities under said amendment, and the power to levy ad valorem taxes in said county to pay the principal of and interest on said securities; provided, that the total principal amount of said securities at any time outstanding shall not exceed fifty per cent of the assessed valuation of the taxable property in said county as assessed for state taxation, and the taxes so levied shall not exceed two per cent per annum of said assessed valuation; and provided further, that said county shall not exercise any of said powers unless and until a majority of the qualified electors of said county voting at an election held for such purpose shall have approved the exercise by said county of said powers, which election shall be called by the governing body of said county and held as nearly as may be practicable in accordance with the general laws of the state at the time in effect pertaining to the election on the issuance of county bonds. Said election may be held at any time and if at said election a majority of the electors voting thereat do not approve the exercise by said county of said powers, another election may be held hereunder at any time and from time to time thereafter. If at any such other election a majority of the qualified electors of said county voting at such election shall approve the exercise by said county of said powers, said county may thereafter, from time to time and at any time and without the necessity of any further election, exercise any or all of said powers as its governing body may deem advisable.

(2) This amendment shall be self-executing; but the Legislature shall have the power, by general or local act, to adopt laws supplemental to this amendment or in furtherance of the purposes hereof. The governing body of the county shall have power to adopt such resolutions and orders as may be necessary to implement and enforce this amendment.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama of 1940, as amended.

Section 3. Notice of the proposed amendment and the election thereon shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In each county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office in such county.

Constitutional Amendment.

Passed the House July 18, 1963.

Passed the Senate August 6, 1963.

Act No. 227

S. 243—Wilson

AN ACT

Relating to Walker County; providing for and establishing a central purchasing system for the county, and for all officers, offices, departments, and instrumentalities of the county, including public hospitals but excluding the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In Walker County, after this Act takes effect, the court of county commissioners, board of revenue, or other like county governing body by whatever name called shall have authority:

- 1) To establish standard specifications for supplies, equipment, and materials used by the county officials, offices, and departments;
- 2) to operate a central storeroom;
- 3) to require county officers, offices, and departments to prepare estimates of requirements;

4) to transfer among the county officers, offices, and departments surplus supplies, equipment, and materials, or to sell surplus or obsolete items after receiving at least three competitive bids upon such surplus or obsolete items;

5) to promulgate reasonable rules and regulations governing the acquisition of supplies, materials, and equipment, or the disposal of surplus or obsolete personal property in behalf of the county.

Section 2. The court or board shall obtain at least three written, sealed competitive bids for all purchases of or contracts for, supplies, equipment, materials, and contractual services when the amount involved is five hundred dollars (\$500) or more. If the purchase or contract involves an amount of less than five hundred dollars (\$500), the purchase may be made either upon the basis of sealed bids or in the open market; but, so far as practicable, such purchases or contracts shall be based upon at least three competitive bids. It shall be a violation of the section to divide or otherwise adjust the quantity of a purchase to an amount less than five hundred dollars (\$500) for the purpose of evading this section. Invitations for bids shall be posted on a bulletin board in the county courthouse and sent to prospective suppliers at least one week before the final date for submitting bids. The invitations shall specify requirements of the bidders and whether an exchange or trade-in is contemplated. Bids shall be opened publicly at a time and place stated in the invitations. The lowest responsible bidder shall be awarded the contract; provided, that local vendors and suppliers may be given preference if all other conditions are substantially equal.

In an emergency arising from any unforeseen causes, including delay by contractors, delay in transportation, breakdown in machinery or other work stoppage, and unanticipated volume of work, the purchasing authority may negotiate a purchase costing five hundred dollars (\$500) or more by soliciting three competitive bids informally, either verbally or by telephone, telegraph, or letter and without obtaining information from the division of purchases and stores.

The provisions of this Act regarding three competitive bids and obtaining information from the division of purchases and stores may also be waived in cases of emergency involving actual danger to life or property, and for purchases of perishable commodities, items and services of a technical or specialized nature, utility services, insurance, and commodities or services for which there is no competitive situation.

The provisions of this Act requiring purchases to be made through the county commission or board may be waived in the case of small purchases costing no more than fifty dollars (\$50);

provided that no such purchase is part of a larger purchase which has been divided for the purpose of coming within this exception.

All county officers, and all county offices and departments shall inspect, upon delivery, all materials, supplies, and equipment purchased for him or it, and no item shall be accepted and paid for without having been approved by the officer, office, or department requesting the purchase. Any official or person who purchases or procures any supplies, materials, equipment, or services contrary to the provisions of this section shall be personally liable for the amount of such purchase.

Section 3. Supplies, materials, equipment, and services shall be furnished to the county officers, offices, departments, and instrumentalities only upon written requisition setting forth the articles needed, signed by the officer authorized by law to give the order. The requisition shall state by items the articles that are desired and needed, that the articles are necessary, that the amount of the requisition is not excessive, and that no part of the articles will be used except in conducting the public business. The requisitions, with the purchase invoices attached, shall be kept on file in the office of the purchasing authority, in an orderly manner, as a permanent record subject to public inspection at all reasonable times.

Section 4. The county commission or board shall keep a current inventory of all property owned or leased by the county, which inventory record shall show where such property is located and in whose possession or under whose control it is.

Section 5. This Act shall not apply in respect of purchases and contracts made by the county board of education.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws in conflict with the provisions of this Act are repealed.

Section 8. This Act shall take effect on the first day of the month next following the date of enactment.

Approved August 15, 1963.

Time: 1:55 P. M.

Act No. 228

S. 266—Bentley

AN ACT

Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and re-establishing the court of county commissioners of

Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of finance and control of Blount County created by Act No. 334, H. 954, approved September 2, 1955, is abolished, and in lieu thereof there is hereby restored and re-established in Blount County a court of record styled the court of county commissioners of Blount County, which shall be composed of the judge of probate as principal judge, and four commissioners who shall be elected as hereinafter provided.

Section 2. One county commissioner shall be elected from each of the four districts into which the county is now divided by law for the purpose of electing members of the county governing body of Blount County. A candidate for county commissioner must be a qualified elector and legal resident of the district he seeks to represent and shall continue to reside therein during his continuance in office. Commissioners from districts one and three shall be elected at the general election to be held in 1966, and every four years thereafter. Commissioners from districts two and four shall be elected at the general election to be held in 1964, and every four years thereafter. The Commissioners elected under the provisions of this Act shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified.

Section 3. The present four associate members of the board of finance and control of Blount County shall serve as county commissioners of the court of county commissioners of Blount County until their successors are elected and qualified as herein provided.

Section 4. Each commissioner elected under the provisions of this Act shall receive as compensation for the services rendered in his capacity as commissioner a salary of three thousand dollars (\$3,000) per annum, payable in equal monthly installments, plus mileage at the rate of seven cents (\$.07) per mile for each mile traveled on official county business, but the mileage provided herein shall not exceed fifty dollars (\$50.00) per month. A part of the commissioners' salaries may be paid out of the county gasoline tax revenues, provided that the part of such salaries so paid out of county gasoline tax revenues shall bear the same proportion to the total salary paid to such commissioner as the time devoted by such commissioner to supervising, inspecting, accepting, building, or repairing county roads and bridges bears to the total time devoted by such commissioner to all his duties as a member of the court of county commissioners. The court

of county commissioners shall determine the proportion of such salaries to be paid out of county gasoline revenues. The judge of probate of Blount County shall be entitled to the compensation provided by law for judges of probate who serve as principal judge of courts of county commissioners.

Section 5. The court of county commissioners of Blount County shall have all the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners, boards of revenue, or like county governing bodies by the general laws of this State, or vested in the governing body of Blount County by local law; and the members of the court of county commissioners shall perform all the duties and services and exercise all the powers which are, or which hereafter may be, provided by the general laws of this State for the members of courts of county commissioners, boards of revenue, or like county governing bodies, or for the members of the governing body of Blount County by local law.

Section 6. All laws or parts of laws in conflict with this Act are repealed; and Act No. 334, H. 954, approved September 2, 1955, which created the board of finance and control of Blount County, is expressly repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The substantial provisions of this Act shall become operative only if approved by a majority of the qualified electors of Blount County who vote in a referendum to be held on the same day as the first county-wide election held after the date of this enactment. The board of finance and control of Blount County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the referendum the question shall be stated substantially as follows: "Shall the provisions of Act No. of the 1963 Regular Session of the Legislature, which abolishes the board of finance and control of Blount County and recreates and re-establishes in lieu thereof a court of county commissioners for Blount County, be adopted? (yes) (no)." If the majority of the votes cast at the referendum are "Yes", all the provisions of this Act shall become operative immediately. If the majority of the votes cast are "No", the Act shall have no further effect. The judge of probate of Blount County shall certify the results of the election to the Secretary of State of Alabama within thirty days after the result thereof has been ascertained.

Approved August 15, 1963.

Time: 3:20 P. M.

Act No. 229 H. J. R. 107—Goodwyn, Goldthwaite, Pierce,
 Little, Ingram, Fite, Cornett,
 Jones (Covington), Burnham,
 Albea, Merrill, Edington, Locke

HOUSE JOINT RESOLUTION

WHEREAS death has ended the long and brilliant career of Judge Walter Burgwyn Jones, dean of the Circuit Judges of Alabama, Judge of the Fifteenth Judicial Circuit for almost forty-three years, and Presiding Judge for twenty-eight years; and

WHEREAS Judge Jones was the distinguished son of distinguished parents, being the son of the late Governor Thomas Goode Jones and Georgena Bird Jones, descendants of families long prominent and influential in Alabama and the South; and

WHEREAS Judge Jones continued and enhanced the family tradition of honor and distinctive service not only by the fairness and impartiality with which he dispatched an enormous load of cases with such deft efficiency, but also by his work and interests in other fields, both related and unrelated to the law; and

WHEREAS, blessed with an almost inexhaustible supply of energy, boundless interests, and a keen mind, Judge Jones was able to accomplish much more than can usually be credited to any one man in his lifetime. Judge Jones made valuable and substantial contributions to the study of law. In 1949, he compiled and published in six volumes, Alabama Practice and Forms, which books are presently in the process of being revised and reannotated. He wrote several other texts used in the study of law, and numerous treatises and articles for law journals. He was founder of The Alabama Lawyer, official publication of the State Bar, and served as editor until his death. He saw the need of a night law school, and in 1928 founded Jones Law School where he taught regularly for some years, later lectured, and remained as president. He wrote a weekly column "Off the Bench" for the Montgomery Advertiser for an overall period of thirty-eight years. He was editor and founder of the Alabama Bible Society Quarterly, and was president of the society for fifteen years. He was the founder of the Montgomery Boys' Club in which he took an active interest; founder of and former president of the Montgomery Museum of Fine Arts; past president of the Montgomery Public Library; teacher of a Young Men's Bible Class for twenty-five years; and was vestryman and senior warden for many years at St. John's Episcopal Church; and

WHEREAS many honors have come to Judge Jones throughout the years. He was elected to the office of Circuit Judge eight times; has served as vice-president and president of the State

Bar; director of the American Judicature Society; a Fellow of the American Bar Association; member of the American Law Institute; national president of Sigma Alpha Epsilon; was awarded an honorary L.L.D. degree by his alma mater, the University of Alabama; was vice-chairman of the board of directors of the Union Bank and Trust Company; and was a much sought after speaker throughout the country, where his wise counsel, courtly manner, and sparkling wit charmed his listeners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this body are deeply grieved to learn of the passing of this eminent jurist, and prolific author who yet was never too busy to make a little underprivileged boy feel important. Few men have ever contributed so much to Alabama and particularly to Montgomery County as did Judge Walter B. Jones.

BE IT FURTHER RESOLVED that our deepest regret and sincerest sympathy be extended to his two surviving sisters, Mrs. William B. Griffin of Montgomery and Mrs. Thomas W. Cohoon of Suffolk, Virginia, to whom copies of this resolution shall be sent.

Approved August 15, 1963.

Time: 3:26 P. M.

Act No. 230

H. J. R. 104—Powell

HOUSE JOINT RESOLUTION

WHEREAS Mrs. Boonie Odessa Bryant passed away in East Tallassee on July 28, 1963 after a long and useful Christian life, the funeral being this afternoon; and

WHEREAS Mrs. Bryant is survived by two daughters Mrs. Levis A. Jones of Blairsville, Georgia and Mrs. Owen Harper, wife of our esteemed member from Tallapoosa County; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the members of the House express their deepest regret upon the death of Mrs. Bryant and extend their sincere sympathy to the surviving members of her family.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mrs. Jones and Mrs. Harper.

Approved August 15, 1963.

Time: 3:26 P. M.

Act No. 231 H. J. R. 103—Little, Pierce, Goodwyn, Goldthwaite, Turnham, Faulk, Stembridge, Jones (Monroe), Salter, Thomas, Cates, Cornett, Hawkins

HOUSE JOINT RESOLUTION

WHEREAS Coach Wilbur Hall Hutsell, dean of southern track and field coaches, leaves a long and enviable record upon his retirement from Auburn University where he has achieved rare success; and

WHEREAS Coach Hutsell has completed his forty-second straight season as Auburn's track coach by winning all four 1963 dual meets and finishing third in the Southeastern Conference meet in Birmingham; and

WHEREAS Coach Hutsell, despite having had a minimum number of boys on scholarship, holds a dual meet record through the years that may never be equaled, it standing at 140 wins and 25 losses; and

WHEREAS Coach Hutsell has produced 75 SEC champions, plus 7 others who have tied for first place in 31 SEC meets. His teams won the SEC title in 1954, 1955, and 1961. He has coached 14 Southeastern AAU title teams, 3 national high hurdle champions, 2 NCAA and 1 NAAU discus champions and 4 Olympic performers. He has been an assistant coach on 3 Olympic teams; and

WHEREAS Coach Hutsell came to Auburn from the University of Missouri in 1921 from which time he served as track coach and trainer until 1947 when he was made Director of Athletics. In 1951 he resigned this position to return to his first love, track and field; and

WHEREAS throughout all these many years of successful service the wise counsel and example of Coach Hutsell has been a beneficial influence over the lives of the many hundreds of boys under his tutelage; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That the Legislature of Alabama takes note of the retirement of Coach Hutsell, commends him for his outstanding record of achievements, and wishes to thank him for his great contribution and service to Auburn University and to the people of this State.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Coach Hutsell and to Auburn University.

Approved August 15, 1963.
Time: 3:28 P. M.

Act No. 232 H. J. R. 102—Little, Goldthwaite, Goodwyn,
Pierce, Turner (Crenshaw)

HOUSE JOINT RESOLUTION

WHEREAS in the highest tradition of the sea and of American sport the selection of the United States' representative to defend the challenge for the America's Cup will shortly be begun, and

WHEREAS the people of Alabama share with the people of New England and with all Americans the inheritance of these proud traditions,

NOW THEREFORE BE IT RESOLVED that the Honorable C. M. A. Rogers, III and the Honorable W. E. Perry, Jr. be designated the official representatives of the people of Alabama to attend and observe in their name the challenge races for the America's Cup,

BE IT FURTHER RESOLVED that such official representative be empowered and authorized to name a group of not more than five persons to accompany them, and that the names of these persons together with a copy of this resolution be sent to the Commodore of the New York Yacht Club by the Clerk of the House of Representatives of Alabama with a request that they be assisted in securing suitable accommodations and observation opportunities for the racing.

BE IT FURTHER RESOLVED that such group of persons be known as the Semmes Committee in honor of Admiral Raphael Semmes, CSN and that the Semmes Committee be and it hereby is requested to report to the Regular Session of the Legislature in 1965 on the feasibility of an expanded program of sailing yacht racing in Alabama waters.

Approved August 15, 1963.
Time: 3:29 P. M.

Act No. 233

H. 171—Collins, Bailes, Vacca

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 500,000 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 500,000 according to the 1960 or any subsequent federal decennial census.

Section 2. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in any county to which this Act applies on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 3. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 4. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, coturnix quail, pheasants, chuckar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 5. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the

department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section and an issuance fee of fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 6. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 7. Bob-white quail and coturnix quail shall be tagged with self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the director of conservation might make for scientific investigations. The Alabama Department of Conservation shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 8. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in section 6 hereof shall be determined.

Section 9. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 10. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 11. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1963.

Time: 3:23 P. M.

Act No. 234

H. 228—Salter

AN ACT

Relating to counties having populations of not less than 17,400 nor more than 17,800 inhabitants according to the 1960 or any subsequent federal decennial census; authorizing the county boards of education in such counties to retire teachers who have attained the age of sixty-five.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 17,400 nor more than 17,800 inhabitants according to the 1960 or any subsequent federal decennial census the county board of education may retire any teacher in its employment on or after such teacher attains the age of sixty-five. Any teacher retired under the provisions of this Act shall be entitled to any and all

benefits which he would have accrued had he voluntarily retired at age sixty-five under any other law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1963.

Time: 3:30 P. M.

Act No. 235 H. 290—Engel, McDermott, Edington, Hogan,
Fields, Downing, Smith, Rogers

AN ACT

To amend Act No. 107, adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, such Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as "The Municipal Employees Pension and Relief Fund"; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent municipal employees of such city, and eligible widows of such permanent municipal employees and eligible children thereof, whether such employee be in active service or be retired under the terms hereof; to provide for the creation of such fund and for appropriation from such city to make up any deficit therein; to provide how such funds shall be raised, acquired or gathered; to provide for the placement and handling of such funds; to provide who shall hear and determine applications for pensions and relief hereunder, and for the drawing of warrants against said fund; to provide against such funds being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled employees of the various departments of such city during the term of such disability, and for the retirement of such members or employees on said pension, whether by reason of term of office or disability; to provide for the appropriation for funeral expenses upon the death of any employee of such city; to provide for the examination by proper authorities of such members or employees in case of sickness or disability; to provide for gifts, donations, legacies or otherwise to be made to such fund and for the appointment of Trustees and for the creation of a Board of Pensions for all purposes in connection therewith. To provide penalties for the violation of the provisions of this Act; to provide an effective date for this Act; and to provide that the invalidity or unconstitutionality of any section, provision or other portion of this Act shall not affect the validity of any other section, provision or other portion hereof.

Be It Enacted by the Legislature of Alabama:

SECTION I. There is hereby created and provided for in the City of Prichard, Alabama, a special fund to be known as "The Municipal Employees Pension and Relief Fund", which shall

exist and be maintained for the benefit of the persons hereinafter referred to and shall be derived and raised in the manner hereinafter provided.

SECTION II. Such funds shall be set apart by the City Clerk or other person performing the duties of the City Clerk of the City of Prichard, Alabama, into separate funds which shall be held and maintained in trust as hereinafter provided.

SECTION III. There shall be a pension and relief system which shall apply to and include all permanent employees of the City of Prichard, Alabama, which such pension and relief system shall be administered through a fund to be known as "The Municipal Employees Pension and Relief Fund", hereinafter referred to as the "fund", as provided for herein, which such fund shall be derived and raised, received, obtained and created, although not exclusively, in the following manner:

1. By transfer into the fund hereby created all agency funds created pursuant to Act No. 107, adopted February 14, 1956, as amended.

2. By payment into the fund by the proper authorities of the City of Prichard, Alabama, a monthly amount equal to fifteen percent (15%) of the compensation paid to every employee of the City of Prichard, Alabama, covered by this Act. Of such fifteen percent (15%), ten percent (10%) shall be paid into such fund by the City of Prichard, and five percent (5%) shall be held and deducted by the proper authorities of the City of Prichard from the salary or other compensation of each employee covered.

SECTION IV. Monies or other things of value may be donated to the fund by any person, firm or corporation. Such donations or gifts may be outright, in which such event the corpus thereof shall become a portion of the fund, or may be held in trust by the person or persons responsible for the operation of the fund, with the profits or income therefrom becoming a part of the fund.

SECTION V. All monies properly belonging to the fund shall be kept in a separate account, or accounts, and may, in the discretion of the persons charged with the duties of administering the fund be invested in any securities provided by law to be suitable investments for trust funds under the Laws of the State of Alabama. The cash, mortgages, bonds, or other evidences of indebtedness shall be maintained and kept separate and apart and the City Council shall enter into a Trust Agreement with a National Bank in Mobile County, as Trustee, to handle all matters relative to the investment of the funds derived hereunder and delivered to such Trustee; and to make distribution as directed

by the City Council of the City of Prichard, Alabama, and pursuant to the terms hereof.

SECTION VI. Every present active permanent employee of the City of Prichard shall come under the provisions and benefits of this Act; provided, that no elected officials of the City of Prichard shall be entitled to the benefits thereof.

SECTION VII. The City Council of the City of Prichard, Alabama, shall hear and decide all applications for pensions and relief under this Act, and the decision upon such application shall be final and conclusive, and not subject to review or reversal except by such City Council. The City Council shall cause a complete and separate record to be kept of all its meetings and proceedings under this Act. Provided, however, that in the event of a willful, fraudulent or discriminatory interpretation of the terms of the Act by the City Council, the same shall be subject to review by the Circuit Court of Mobile County, Alabama, with the right of appeal to either party.

SECTION VIII. Directions to the Trustee for payments provided herein shall be signed by the regular constituted authorities of the City of Prichard, Alabama. The Trustee shall be protected in acting upon any direction delivered to it which upon its face appears to be genuine. No portion of said pension and relief funds shall, before or after its order for distribution be seized or held or be in anywise subject to garnishment or levy or execution or attachment issued out of or by any Court of this State or any other State, so far as the same may be sought to respond to the payment or satisfaction of any debt, demand, damage, claim, judgment or decree against any beneficiary in such fund, but shall be totally exempt therefrom.

SECTION IX. That if any employee of the City of Prichard, Alabama, while in the performance of his or her duties, becomes and is found to be temporarily totally disabled, mentally or physically, for services to the City of Prichard, by reason of service therein, the City Council of the City of Prichard, Alabama, shall order the payment of and there shall be paid from the proper fund herein provided for, to such disabled member, an amount equal to Fifty Percent (50%) of his or her compensation at the time of the commencement of the discovery of such disability or an amount equal to fifty percent (50%) of the average compensation of such employee for the then past four (4) calendar years, or major fraction thereof during such total disability, whichever shall be the greater, which payment shall be made monthly or semi-monthly and for a period not longer than one (1) year; and such disability shall be arrived at upon the authority of the City Council of the City of Prichard, after report from a reputable physician designated by the City Council

of the City of Prichard, Alabama, and after consideration of such other evidence, medical or otherwise, which the City Council of the City of Prichard, Alabama, may desire to conduct, this provided such employee, during the same period is paid no salary as an employee of the City of Prichard, Alabama.

Average annual compensation of any employee over the then past four (4) calendar years as herein above used in this SECTION IX and as used here after from time to time in SECTIONS X, XI, XII, and XIII specifically that follow shall include in the then past four (4) years the compensation of an employee for the major fraction of a year; provided, however, that in the divisor used to divide such total compensation in order to obtain the "average" only the full years and the fraction for which the compensation in the fractional year was paid shall be included.

SECTION X. BENEFITS FOR RETIREMENT CAUSED BY DISABILITY. If any employee of the City of Prichard, Alabama, while in the performance of his or her duties, becomes or is found to be physically or mentally permanently disabled for service in his or her respective department, by reason of service therein, so as to render his or her retirement from such service necessary, the City Council of the City of Prichard, Alabama, shall make the necessary orders and shall retire such disabled employee from service in the department in which the disability occurred; and upon retirement, such member shall be paid monthly or semi-monthly, from the fund, an amount equal to sixty percent (60%) of his or her compensation at the time of such disability or an amount equal to sixty percent (60%) of the average compensation of such employee over the then preceding four (4) years, whichever shall be the greater. Provided that such payment shall not continue for a longer than five (5) year period; provided, further, that during such five (5) years such employee shall be considered an employee of the City of Prichard, Alabama for retirement purposes. Should any employee of the City of Prichard who has been employed in the city's service for a period of fifteen (15) years be found physically or mentally totally or partially disabled through no misconduct on his or her part for services in any city department, so as to render his or her retirement from such service necessary, the City Council of the City of Prichard shall make necessary orders to effectuate, and shall retire such disabled employee from service with the city, and upon such retirement said city employee shall be paid monthly or semi-monthly from the fund an amount equal to fifty percent (50%) of his or her compensation at the time of his or her becoming disabled or such disability being discovered, or an amount equal to fifty percent (50%) of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater. Provided that such payments shall not continue for a period of longer than five (5)

years; provided further that during such five (5) years such employee shall be considered an employee of the City of Prichard for retirement purposes. Such employee may be called back and examined at any time under the orders of the City Council of the City of Prichard, Alabama, and may be ordered back to active service, or to perform other services in connection with the operation of the city, such as he is able to perform according to the instructions, findings and orders of the City Council of the City of Prichard, Alabama.

SECTION XI. Any employee of the City of Prichard, except as herein otherwise provided, who has been in the service of the city for as long as twenty (20) years, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, and who is then employed by the city, upon his or her making application to the City Council of the City of Prichard, Alabama, shall be retired from service as an employee without medical examination or disability. Any employee who has been in the service of the City of Prichard for as long as twenty (20) years, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, and whose employment has been terminated prior to his making application for retirement from service as an employee of the city shall be entitled to make application for retirement as an employee without medical examination or disability as if he were yet an employee of the city provided such application is made in writing to the City Council of the City of Prichard within sixty (60) days from the date his employment was terminated, and be entitled to the benefits accorded by this Act; provided, that in the event that the employee had withdrawn any of his contributions at the end of any prior period or periods of employment such contributions shall be repaid by him, including interest at the rate of four percent (4%) per annum, prior to the commencement of any benefits due him under the plan which are based on the inclusion of the prior period or periods of service.

In the event of the discharge, without just cause, of any permanent employee, who has served as many as ten (10) continuous years, such person shall, upon reaching the age of fifty-five (55) be entitled to and receive from the fund an annual pension (payable in monthly installments) equal to two and one-half percent ($2\frac{1}{2}\%$) of his or her annual compensation at the time of his or her discharge, or two and one-half percent ($2\frac{1}{2}\%$) of the average annual compensation of such employee over the then past four (4) calendar years, which ever shall be the greater for each year or major fraction thereof that said employee shall have served at the time of dismissal.

Upon retirement in the manner provided for by this Act, the said City Council of the City of Prichard, Alabama, shall direct

the payment to such retiring person monthly from the fund a sum equal to one-half ($\frac{1}{2}$) of the compensation or salary received by such retiring person as salary in the service or employment of said city at the time of his or her retirement or termination; or an amount equal to fifty percent (50%) of the average compensation of such employee over the past four (4) calendar years, which ever shall be the greater; provided, however, that such payments to said retired person shall not commence or be effective until said person has attained the age of fifty five (55) years.

Upon the election of the employee, however, the pension as described in the foregoing sentences to which the employee is entitled upon reaching age fifty five (55) shall commence at the earlier of the date when the employee attains the age of fifty five (55) or reaches the twentieth anniversary of his employment date with the City of Prichard, which ever date first occurs. In the event of such election of the commencement of his or her pension by any employee before age fifty five (55), as above, the amount of the pension to which he or she becomes entitled will be the actuarial equivalent of the amount of the pension to which the employee would have become entitled upon reaching age fifty five (55). The actuarially equivalent pension shall reflect the lost interest due to the earlier commencement of the pension payments and the longer life expectancy of the employee at his or her earlier age, and shall be determined by the actuary employed by the City Council of the City of Prichard, Alabama, using in his calculations the interest and mortality assumptions employed by him in his most recent valuation of the liabilities under the fund as of the date of any such election by an employee.

Provided that the word "consecutive" as used in the foregoing section shall not be construed to the effect that any employee of the City of Prichard, otherwise entitled to participate in the municipal employees pension and relief fund shall be penalized or shall have taken from him or her any length of service with the City of Prichard by reason of him or her having obtained a leave of absence or otherwise been temporarily out of the employ of the City of Prichard, and such leave of absence or other non-employment of said employee shall be approved by the City Council of the City of Prichard, Alabama.

SECTION XII. Any employee of the City of Prichard who has been in the service thereof for as long as twenty five (25) years, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, upon making written application to the City Council of the City of Prichard, Alabama, therefor, shall, without medical examination or disability be retired from service of the City of Prichard and upon such retirement the said Council shall direct the payment to said retiring employee, if he or she be fifty five (55) years of age

or more, monthly from such fund, a sum equal to fifty five percent (55%) of the monthly compensation received by such employee as salary or other compensation at the time of his or her retirement, or an amount equal to fifty five percent (55%) of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater.

Any employee of the City of Prichard who has been in the service thereof for as long as thirty (30) years or longer, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, upon making written application to the City Council of the City of Prichard, Alabama, therefor, shall, without medical examination or disability, be retired from service from such city and upon such retirement, the said Council shall direct the payment to such retiring employee if he or she be fifty five (55) years of age or more, monthly from such fund, a sum equal to sixty percent (60%) of the monthly compensation received by such employee as salary or compensation at the time of his or her retirement, or an amount equal to sixty (60%) percent of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater.

If the employee should not be age fifty five (55), however, the pension as described in the foregoing sentences to which the employee is entitled upon reaching the age of fifty five (55) shall commence at such earlier date as the employee may elect. In the event of such election of the commencement of his or her pension by any employee before age fifty five (55), as above, the amount of the pension to which he or she then becomes entitled will be the actuarial equivalent of the amount of the pension to which the employee would have become entitled upon reaching age fifty five (55). The said actuarially equivalent pension shall reflect the loss of interest due to the earlier commencement of the pension payments and the longer life expectancy of the employee at his or her earlier age, and shall be determined by the actuary employed by the City Council of the City of Prichard, Alabama, using in his calculations the interest and mortality assumptions employed by him in his most recent valuation of the liabilities under the pension fund as of the date of any such election by an employee.

With regard to any years of service prior to a break in service of the employee, which are included in the computation of the total service of an employee under the terms of this section, on account of which years the employee had withdrawn the one-half ($\frac{1}{2}$) of his own contributions to which he would have been entitled under SECTION XXI hereof, no such years will be credited to the employee in the computation of his or her pension until he or she has repaid to the fund the amount of his or her

contributions previously withdrawn, plus compound interest at four (4%) percent per annum, from the date of the withdrawal to the date of his or her retirement.

Whenever an active employee of the City of Prichard, or a former employee of the City of Prichard retired under the terms of this Act shall die while so employed or enjoying the benefits of such pension, there shall be appropriated and paid from the fund the sum of Two Hundred Fifty and 00/100 (\$250.00) Dollars for funeral and burial expenses of such decedent, which such sum shall be used for funeral and burial expenses and paid out on order of the head of the department of which such decedent was a member, or on order of the City Council of the City of Prichard, Alabama.

SECTION XIII. WIDOWS AND ORPHANS BENEFITS: In the event of the death of a married male employee and if at the time of such death the employee (a) is in the active employment of the City, or (b) is receiving a pension either for disability as provided in SECTION X hereof, or for longevity, a pension shall be paid to his widow.

The annual amount of such widow's pension (which shall be payable monthly) shall be equal to one-half ($\frac{1}{2}$) of the amount of pension which the deceased employee, if on a disability pension, was receiving or entitled to receive at the time of his death; or one-half ($\frac{1}{2}$) of the amount which the deceased employee, if actively employed, would have been entitled to as a pension upon attaining age fifty five (55), or immediately if he is then age fifty five (55) or older as the case may be, if he had retired instead of dying on the day of his death. In no event, however, will the amount of such widow's pension be less than ten percent (10%) of the annual compensation of the employee at the time of his death, or ten percent (10%) of his annual compensation over the then past four (4) calendar years, whichever shall be the greater. Each such widow's pension shall be increased by ten percent (10%) thereof on account of each child under the age of eighteen (18); provided, however, that such child or children shall be the natural children of the deceased employee or the widow, or shall have been legally adopted prior to the death of the employee. Each such additional ten percent (10%) of the widow's pension shall cease upon the attainment of the age of eighteen (18) by the child on whose account such additional pension is payable or upon such child's earlier death.

On the death of a widower (or male employee divorced or legally separated from his wife), leaving a child or children under the age of eighteen (18), (provided such children are the natural children of the deceased employee or the widow, or were legally adopted by the deceased employee and the widow

prior to the date of death of the employee), the part of the widow's pension that would have been paid on behalf of each such child shall be doubled and paid to the legally appointed guardian of such child (if any there be) and if not to the person in whose care or custody such child shall be, or such other suitable person as directed by the City Council (and such payment to such person shall be a complete release for the City and for the Trustee of this pension plan) on an annual basis up to and including the year in which such child attains the age of eighteen (18) years.

On the death of a female employee leaving a child or children under the age of eighteen (18) who is or are determined by the City Council of the City of Prichard, Alabama, to be a "dependent" child or children, each such dependent child shall be entitled to receive an annual amount equal to twenty percent (20%) of the amount of pension which the deceased employee, if on a disability pension, was receiving at the time of death, or twenty percent (20%) of the amount which the deceased employee, if actively employed, would have been entitled to as a pension upon attaining the age of fifty five (55) or immediately if she was then age fifty five (55) or older, as the case may be, if she had retired, instead of dying, on the date of her death. In no event, however, shall the annual amount payable to a dependent child or a deceased active or disability retired employee be less than two percent (2%) of the annual compensation of the employee at the time of her death, or two percent (2%) of her annual compensation over the then past four (4) calendar years, whichever is greater. Each such annual amount shall cease in the year following the year in which the child attained his eighteenth (18th) birthday, dies, or is determined by the City Council of the City of Prichard to no longer be a "dependent child", it being the understanding that such child would receive such compensation on his or her eighteenth (18th) birthday, but that such compensation would thereafter cease and not be paid in the future.

No widow's benefits shall be paid if the widow's marriage was contracted within one (1) year from the date of death of an employee or if contracted while the employee was receiving a disability pension from the pension fund, or within one (1) year prior to the date he became a disability pensioner hereunder; or if at the date of death of the employee there is in existence a judgment or decree of separation in favor of the deceased against the wife in any Court of competent jurisdiction, or if a decree or agreement whereunder the deceased is no longer obligated to support his wife.

In the event of the remarriage of a widow who is receiving a widow's pension, such widow shall receive a lump sum payment of three (3) times the annual pension then payable to her, includ-

ing in the computation of such pension the additional pension being paid on account of children under the age of fifteen (15). For those children over the age of fifteen (15) and not yet eighteen (18) at the time of the remarriage of the widow, such widow will receive the amount that would have been paid such children until they reached age eighteen (18) had such widow not remarried. This lump sum payment will be made in lieu of and in full discharge of all further pension payments which the widow (or children) would otherwise have been entitled to receive.

In the event of the death of a widow receiving a widow's pension from this pension fund, together with an additional amount on behalf of the dependent children under the age of eighteen (18) years, the widow's pension inclusive of any amount received by her on account of such children shall cease, but each of such dependent children shall receive through his or her legal guardian (or to the person and under the conditions as hereinbefore set forth, and with the same relief of responsibility to the City and to the Trustee under this Act) an annual pension the amount of which for each such dependent child shall be double the amount allowed for him or her in the augmented widow's pension. Each such orphan's pension shall cease after the year in which the child on whose account such pension is payable attains the age of eighteen (18) or upon such child's earlier death, it being understood that the proper payment shall be made upon the eighteenth (18th) birthday of such child, but that thereafter no payments shall be made to such child.

SECTION XIV. In all matters involving the sickness or disability of an employee of said city, the City Council, or other governing body shall have such disabled member or such sick member, as it sees fit, examined by a reputable physician who shall make his report in writing to the city and to the employee. Any Employee who refuses to allow a reasonable examination by such physician on the authority referred to herein shall, during the continuance of such refusal, be barred from receiving any benefits whatsoever under this Act.

SECTION XV. The benefits provided for the employees of the City of Prichard hereunder shall not be reduced or prorated among those properly entitled thereto and should, at any time, the fund be insufficient to pay in full the benefits and to defray the expenses provided for, it shall be the duty of the governing body of the City of Prichard, Alabama, to make provision therefor in accordance with the provisions of this Act.

SECTION XVI. There shall be kept by the Clerk of the City of Prichard, or some person designated by such Clerk, a book to be known as the "list of retired employees". Such book shall

also give a full and complete history and record of the action of the City Council of the City of Prichard in retiring any and all persons under this Act, showing the names, date of entering service in such department, periods of employment, date of retirement and the reason for such retirement if any, and such list shall also include all necessary statistics with reference to widows and eligible minor children under this Act.

SECTION XVII. It shall be the duty of the City Attorney to give advice to the City Council of the City of Prichard, and to those selected by the City Council of the City of Prichard to act as Trustee or Agent for the fund, on all matters pertaining to the administration of this Act, and the management of the fund, whenever requested to so do, and he shall represent and defend the city in all matters arising from the administration hereof.

SECTION XVIII. The City Council of the City of Prichard, Alabama, may, in its discretion, create a Board to carry out the provisions of this Act, such Board to be known as the "Board of Pensions" and shall consist of not less than three (3) nor more than five (5) reputable bona fide residents of the City of Prichard who shall serve terms to be designated by the City Council, and shall be subject to removal for cause by the City Council at any time. Whenever such Board shall be created it shall have the same ministerial power as herein conferred on the City Council of the City of Prichard and all reference in this Act made to the City Council of the City of Prichard shall, insofar as is practicable, be also applicable to the Board of Pensions; provided, however, that any suit brought on behalf of the city under the provisions of this Act shall also be brought in the name of such Board.

SECTION XIX. Any employee of the City of Prichard at the original date of the Act could elect at any time not to come within the provisions of the Act, and should he or she so elect, no part of his or her salary or compensation could be deducted for the Pension and Relief Fund. His or her election to not come within the provisions of this Act must have been in writing, signed by him or her, witnessed by two (2) reliable witnesses and filed with the City Council of the City of Prichard or the Board of Pensions. Thereafter, such person shall not be allowed to come within the provisions of or be entitled to any benefit under this Act, unless he or she first make application to said authorities and authorities approve such application. He or she shall not be credited for services during the time which he or she elected not to come within the provisions hereof; provided, however, under the terms of this Amended Act if such delayed application is to be effective on or before January 1, 1964, and the employee contributes to the fund before that date (or within such reasonable limit of time as may be granted by the Board of Pensions or the City Council of the City of Prichard as the

case may be) the amount of contributions he or she would have made to the fund had he or she elected to come under the provisions of the Act as of its effective date, increased by interest compounded annually at four percent (4%) per annum, such employee shall be entitled to credit for continuous service from the date of his original employment, provided he or she otherwise complies with the provisions of this Act. In any such case, the city shall contribute an amount double to that contributed by the employee, including the interest. All persons employed after the effective date of this Act shall be bound by all of the provisions hereof.

SECTION XX. This Act shall apply to all persons except elected officials who are now or who may hereafter be in the permanent employment of the City of Prichard, Alabama, but payment of benefits or any other sums, including refunds, hereunder shall not commence until the first day of January, 1961.

SECTION XXI. That if any section, paragraph, sentence, clause, word or other provision of this Act shall be held or declared to be unconstitutional or void by any Court of competent jurisdiction it shall not affect or destroy the validity or constitutionality of any other section, paragraph, sentence, clause, word or provision of this Act which is not in itself void or unconstitutional, it being the expressed intent of the Legislature that such remaining valid portion of this Act would have been adopted by the Legislature in any event.

SECTION XXII. Whenever any person who contributes to the fund provided for by this Act shall have contributed to such fund for at least five (5) full years and less than ten (10) years or shall be dismissed because after ten (10) years he or she, upon being voluntarily or otherwise separated from the services of the city under circumstances not entitling him or her to benefits shall be entitled to repayment from the fund of fifty percent (50%) of all the amounts contributed by him or her, but without interest.

SECTION XXIII. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law; provided, that this Act shall never be construed nor enforced so as to authorize any municipal authorities to grant any extra compensation, fee or allowance to any public officer, servant, employee or agent, after service shall have been rendered, or shall it ever be construed or enforced so as to authorize the retirement of any officer on pay or part pay or make any grant to any retiring officer, but this Act shall be construed to the effect that all funds or monies paid out or expended under and by virtue of this Act shall be paid for services to be performed or duties to be discharged in the future by persons or officers to whom such payments are made. The

governing body of the City of Prichard may, however, assign duties and impose services to be performed by the person or officer for whose benefit this Act is intended and may make appropriations and payments to such person or officer in consideration of the performance of such services or the discharge of such duties so imposed upon them.

Approved August 15, 1963.

Time: 3:30 P. M.

Act No. 236 H. 359—Fite, Turnham, Hannah, Paulk, Cooper, Cantrell, Brewer, Crawford, Powell, Nabors, Harper, Owens, Thomas, Turner (Crenshaw), Boston, Callahan, Baker (DeKalb), Moore, McCorquodale, Doggett, Heflin, Jones (Covington), Mashburn, Young, Steagall, Bassett, Cook, Beville, Brown (Tuscaloosa), Campbell (Tuscaloosa), Snell, Carr, Merrill, Burnham, Albea, Drake, Grouby, Faulk, Salter

AN ACT

To make appropriation for the support and maintenance of the Southern Industrial Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1964, the sum of \$40,969.00 and for the fiscal year ending September 30, 1965, the sum of \$42,617.00, out of funds in the Alabama Special Educational Trust Fund, to the Southern Industrial Institute located at Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. This Act shall become effective on October 1, 1963.

Approved August 15, 1963.

Time: 3:21 P. M.

Act No. 237 H. 360—Fite, Turnham, Hannah, Paulk, Brewer, Cooper, Cantrell, Crawford, Powell, Nabors, Harper, Owens, Thomas, Turner (Crenshaw), Boston, Callahan, Moore, Baker (DeKalb), Young, McCorquodale, Doggett, Heflin, Jones (Covington), Mashburn, Steagall, Bassett, Cook, Beville, Brown (Tuscaloosa), Campbell (Tuscaloosa), Snell, Carr, Merrill, Burnham, Albea, Drake, Grouby, Faulk, Salter

AN ACT

To make an appropriation for the support and maintenance of the Walker County Junior College, located at Jasper, in Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1964, the sum of \$42,740.00, and for the fiscal year ending September 30, 1965, the sum of \$44,460.00, out of funds in the Alabama Special Educational Trust Fund, for the use and benefit of the Walker County Junior College, located at Jasper, in Walker County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriations herein made shall be expended on warrants of the State Comptroller and upon vouchers or requisitions signed by the chief executive officer of Walker County Junior College and approved by the Governor.

Section 2. This Act shall become effective on October 1, 1963.

Approved August 15, 1963.

Time: 3:22 P. M.

Act No. 233 H. 361—Fite, Pruitt, Brewer, Barnett, Bevill, Hester, Nettles, Blanton, Turnham, Young, Steagall, Bassett, Cook, Brown (Tuscaloosa), Campbell (Tuscaloosa), Snell, Carr, Merrill, Burnham, Bailes, Albea, Drake, Grouby, Faulk, Salter, Callahan

AN ACT

To make appropriations from the state treasury for support and maintenance of the Marion Institute, located in Perry County.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1964, the sum of \$40,419.00 and for the fiscal year ending September 30, 1965, the sum of \$41,642.00, out of funds in the Alabama Special Educational Trust Fund for the use and benefit of the Marion Institute located at Marion, Perry County. The appropriations shall be used for support and maintenance of the institute and for payment of current expenses, and shall be paid out on warrants of the State Comptroller, upon vouchers or requisitions signed by the chief executive officer of the institute as approved by the Governor.

Section 2. This act shall become effective on October 1, 1963.

Approved August 15, 1963.

Time: 3:31 P. M.

Act No. 239 H. 362—Fite, Turnham, Hannah, Paulk, Cooper, Cantrell, Crawford, Powell, Brewer, Nabors, Harper, Owens, Thomas, Turner (Crenshaw), Campbell (Jackson), Callahan, Boston, Baker (DeKalb), Moore, McCorquodale, Doggett, Heflin, Jones (Covington), Mashburn, Young, Steagall, Bassett, Cook, Bevill, Brown (Tuscaloosa), Campbell (Tuscaloosa), Snell, Carr, Merrill, Burnham, Albea, Drake, Grouby, Faulk, Salter

AN ACT

To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for each of the fiscal years ending September 30, 1964, and September 30, 1965, the sum of \$17,500.00, out of funds in the Alabama Special Educational Trust Fund, to the Alabama Vocational School for Girls located at Birmingham, Alabama, to be used for the support and maintenance of said school.

Section 2. This Act shall become effective on October 1, 1963.

Approved August 15, 1963.

Time: 3:33 P. M.

Act No. 240 H. 367—Engel, Fields, Downing, McDermott, Hogan, Edington

AN ACT

To amend Act No. 161, adopted by the Alabama State Legislature on the 2nd day of August, 1957, which such Act is in substance as follows:

"To create and provide for the Water Works and Sewer Board of the City of Prichard (hereinafter referred to as the Board) a special fund to be known as 'The Water Works and Sewer Board Employees' Pension and Relief Fund'; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such Board; to provide for the creation of such fund and for appropriation from the Board to make up any deficit therein; to provide how such funds shall be raised, acquired or gathered; to provide for the placement and handling of such funds; to provide for the hearing and determination of applications for pensions and relief hereunder, and for the drawing of warrants against said fund; to provide against such funds being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled employees of the various departments of such Board during the term of such disability, and for the retirement of such members or employees on said pension, whether by reason of term of office or disability; to provide for the appropriation for funeral expenses upon the death of any employee of the Board; to provide for the examination by proper authorities of such members or em-

employees in case of sickness or disability; to provide for gifts, donations, legacies to such fund and for the appointment of Trustees and for the creation of a Board of Pensions for all purposes in connection herewith. To provide penalties for the violation of the provisions of this act; and provide an effective date for this act; and to provide that the invalidity or unconstitutionality of any acts, provisions or other portion of this act shall not affect the validity of any other section, provision or other portion hereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of the above referred to act shall be changed, altered and amended so that the same shall read in words and figures as follows:

"Section 3. There shall be a pension and relief system which shall apply to and include all permanent employees of the Board, which such pension and relief system shall be administered through a fund to be known as 'The Water Works and Sewer Board Pension and Relief Fund', as provided for herein which such fund shall be derived and raised, received, obtained and created, although exclusively, in the following manner:

By payment into the fund by the Board a monthly amount equal to twelve and one-half percent (12½%) of the total salary or other compensation of each employee of the Board covered by this act, two and one-half percent (2½%) of which shall be held and deducted by the Board from the salary or compensation of each employee covered, and the remaining ten percent (10%) shall be paid into the fund by the Board from funds other than those derived from the two and one-half percent (2½%) held and deducted from the salary or other compensation of the employees covered by this act."

Section 2. Section II of the above referred to act shall be changed, altered and amended by substituting for the period at the end thereof a semicolon, and immediately following said semicolon insert the following words: "Provided, that the word 'consecutive' as used in the foregoing section shall not be construed to the effect that any employee of the Water Works and Sewer Board of the City of Prichard otherwise entitled to participate in the Employees Pension and Relief Fund shall be penalized or shall have taken from him or her any length of service with the Board by reason of him or her having obtained a leave of absence or otherwise been temporarily out of the employ of the Board, and such leave of absence or other non-employment of said employee shall be approved by the Prichard Water Works and Sewer Board."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

Approved August 15, 1963.
Time: 3:37 P. M.

Act No. 241

H. 441—Salter

AN ACT

To provide further for the compensation of the county or deputy solicitor in all counties having populations of not less than 17,400 nor more than 17,800, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The county or deputy solicitor by whatever name called of all counties having populations of not less than 17,400 nor more than 17,800, according to the last or any subsequent federal decennial census, shall receive as compensation for his services thirty-six hundred dollars per annum, to be paid to him in monthly installments out of any funds which are set apart for the payment of the county solicitor's compensation. Provided that in the event such funds are insufficient to pay the compensation provided for by this Act, the solicitor shall receive only such funds as are available for his compensation.

Section 2. All laws or parts of laws, both general and local, in conflict herewith are repealed.

Section 3. This Act shall take effect on the first day of the month following the month in which it becomes law.

Approved August 15, 1963.

Time: 3:36 P. M.

Act No. 242

H. 444—Faulk

AN ACT

To prescribe the manner of fixing the salary of the chief deputy sheriff of Geneva County, Alabama, the maximum and minimum thereof and the manner of payment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Chief Deputy Sheriff of Geneva County, Alabama, shall be such amount as fixed by the Court of County Commissioners or other governing body of the County, not less than \$4,200.00 and not more than \$6,000.00 per annum, payable in twelve equal monthly installments, out of the treasury of the County upon the warrant of the Court of County Commissioners or other governing body of the County.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed and this act shall be of force and effect on and after the approval of the Governor.

Approved August 15, 1963.

Time: 3:40 P. M.

Act No. 243

H. 475—Meade

AN ACT

To amend further Section 3 of Act. No. 162, Regular Session 1943 (Local Acts 1943, p. 78) to fix the expense allowance of the sheriff of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act. No. 162, Regular Session 1943, (Local acts 1943 p. 78) relating to provisions for office equipment, supplies, clerical assistance and expense allowances for certain officers of Cherokee County, as amended, is further amended to read "Section 3. The Board of Revenue or like governing body of Cherokee County shall provide each of said officers named in Section 1, of this Act, with the necessary offices, books, stationery, office equipment, supplies (files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office. The Board of Revenue or other like governing body shall provide additional clerical help as they deem necessary for the proper and efficient operation of the offices named in Section 1, of this Act, but the total compensation of all such clerks shall not exceed Three Thousand Six Hundred Dollars (\$3600.00) per annum The Board of Revenue or other like governing body shall provide the Sheriff with gasoline and motor oil and automobile expense for transportation, in the enforcement of the laws of the State and the proper and efficient conduct of his office, in a sum not to exceed Five Hundred (\$500.00) per month, to be paid by properly receipted bills and vouchers presented for payment each month."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1963.

Time: 3:42 P. M.

Act No. 244

H. 502—Pierce, Goodwyn, Goldthwaite, Little

AN ACT

To provide additional compensation or salary for the official court reporters in all circuit courts in all counties of the State of Alabama having a population of not less than 150,000 nor more than 300,000 inhabitants according to the last preceding or any subsequent federal decennial census; and providing for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The official court reporters in all counties in Alabama having a population of not less than 150,000 nor more than 300,000 inhabitants according to the last preceding or any subsequent federal decennial census appointed and holding office under the provisions of law applicable thereto shall, in addition to the salary fixed and provided to be paid to the said court reporters under the provisions of Act No. 691, S. 284, Regular Session 1951 (Acts of 1951, p. 1192) as heretofore or hereafter amended, receive as additional salary or compensation the sum of twelve hundred dollars per annum which shall be payable in monthly installments by such counties out of their general fund.

Section 2. No provision of this Act shall be construed as altering, amending or repealing Act No. 691, S. 284, Regular Session 1951 (Acts of 1951, p. 1192) as heretofore or hereafter amended, except as herein specifically provided, but otherwise all laws or parts of laws, general, special, or local, which conflict with this Act are hereby repealed; and Act No. 22, S. 15, Second Special Session of 1963 is hereby specifically repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1963.

Time: 3:44 P. M.

Act No. 245

H. 511—Baker (DeKalb)

AN ACT

To authorize the Governing Body of DeKalb County Alabama to pay the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to RICHARD SMITH ADKINS out of the General Fund of said County or out of such other funds as may be available for the payment of Deputy Sheriffs' salaries of DeKalb County, Alabama; as may be determined by the County Commission for medical expenses and other costs in connection with the injuries received by the said RICHARD SMITH ADKINS, while acting as Deputy Sheriff of DeKalb County, Alabama in the line of duty, in an automobile accident in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Governing body of DeKalb County, Alabama is hereby authorized to pay to Richard Smith Adkins, the sum of \$2,500.00 out of the General Fund or such other funds as may be available out of which the payments of Deputy Sheriffs' Salaries may be payable of DeKalb County, Alabama, to reimburse the said Richard Smith Adkins for medical expenses and other costs expended by him in connection with injuries received by him while he was on active duty as a Deputy Sheriff of DeKalb

County, Alabama, which said injuries having been received as the result of an automobile accident in DeKalb County.

Section 2. The Treasurer of DeKalb County, Alabama or such other lawful officer entitled to draw checks or warrants on the County Treasury of DeKalb County, Alabama, is authorized to pay to the said Richard Smith Adkins \$2,500.00 in a lump sum as provided in this Act.

Section 3. This Act shall be effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 15, 1963.
Time: 3:45 P. M.

Act No. 246

H. 536—Salter

AN ACT

Relating to counties having populations of not less than 17,400 nor more than 17,800; fixing the compensation of election officers in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. At all elections hereafter held in counties having populations of not less than 17,400 nor more than 17,800, according to the most recent federal decennial census, the inspectors and clerks shall each be entitled to six dollars and fifty cents, and the returning officer to six dollars and fifty cents plus ten cents a mile in going to the courthouse and returning to the place of holding the election; the several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1963.
Time: 3:47 P. M.

Act No. 247

H. 553—Turner (Crenshaw)

AN ACT

Relating to Crenshaw County; amending further Act No. 502, H. 916, Regular Session 1947, (Local Acts 1947, p. 340) an act providing for the compensation of members of the court of county commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 502, H. 916, Regular Session 1947, (Local Acts 1947, p. 340) an act providing for the compensa-

tion of the court of county commissioners of Crenshaw County, as amended, is further amended to read as follows:

"Section 1. Each member of the court of county commissioners of Crenshaw County, Alabama, shall be paid by the county treasurer of Crenshaw County, Alabama, out of the gasoline excise tax fund for their services and traveling expenses in inspecting the work of maintenance, upkeep and repairing the public roads and bridges of Crenshaw County, Alabama, or for their services in supervising such work on said roads and bridges the sum of \$500 per month as a salary, and \$150 per month for mileage and cost of transportation in performing such services. Said salary and traveling expenses to be paid by warrants drawn on the county treasurer on order of the court of county commissioners of Crenshaw County, Alabama."

Section 2. This Act shall become effective as to all members of the court of county commissioners of Crenshaw County immediately after the expiration of the term or terms of office of the member or members whose term first expires.

Approved August 16, 1963.

Time: 2:45 P. M.

Act No. 248

H. 612—NeSmith

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in Blount County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in Blount County on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 2. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conserva-

tion, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 3. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, coturnix quail, pheasants, chuckar partridge, and such others species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 4. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section and an issuance fee of fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 5. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve

during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 6. Bob-white quail and coturnix quail shall be tagged with self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the director of conservation might make for scientific investigations. The Alabama Department of Conservation shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 7. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in section 6 hereof shall be determined.

Section 8. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 9. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 10. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor;

and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1963.
Time: 3:24 P. M.

Act No. 249

H. 617—Stembridge

AN ACT

To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of every county in this state which has a population of not less than 50,000 nor more than 54,000, according to the last or any subsequent federal decennial census, shall receive from the public school funds of the county the sum of seven dollars and fifty cents (\$7.50) per day for attendance at meetings of the board and the sum of thirty-five dollars (\$35.00) per calendar month as an allowance for expenses incurred in attending meetings and transacting business of the board. It is the intention of this act that each member of the board shall receive the lump sum of Thirty-Five dollars (\$35.00) each month for expenses without it being necessary to itemize such expenses and to further provide that no board member shall receive such expense allowance unless he attends at least one duly called board meeting each month or an official committee meeting when as many as three members of the board are present; and to further provide that the above expense allowance shall be in lieu of any other expenses provided by law for members of county boards of education in counties in which this act applies. The necessary expenses of board members outside the confines of the county or state shall not be included in the above expense allowance but shall be in addition to such allowance; and further that out of county or out of state expenses shall be incurred only upon the approval of the board of education. Members of the board shall not be allowed

per diem for more than twenty-four (24) days in any one year. Such compensation and expense allowance shall be paid in the same manner as provided for the payment of the compensation of teachers.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1963.

Time: 3:48 P. M.

Act No. 250

H. 639—Camp, Bolton, Bethea (M),
Turnham

AN ACT

Relating to cities having a population of not less than 16,000, nor more than 26,000, according to the 1960 or any subsequent decennial census of the population of the United States; changing the method of electing, the designation of, and fixing the term of office of, members of the Board of Commissioners of any such city.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Board of Commissioners of any City under the Commission form of government, having a population of not less than 16,000, nor more than 26,000, inhabitants according to the 1960, or any subsequent decennial census of the population of the United States, shall be elected on the third Tuesday in August, 1963, and every four years thereafter, and such Commissioners shall hold office for a term of four years from the first Monday in October following, and until their successors are elected and assume the duties of office.

Section 2. The three places on the Board of Commissioners of any City coming within the purview of this Act shall be known as, and designated as President of the Board, Commissioner of Finance, and Commissioner of Streets and Parks. Every candidate for election to membership on the Board of Commissioners shall, in announcing his candidacy, designate the place for which he is a candidate; and the ballots to be used at the election shall be prepared accordingly.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1963.

Time: 3:49 P. M.

Act No. 251

H. 641—Bolton, Camp

AN ACT

Relating to counties having populations of not less than 65,000 nor more than 95,000; regulating and providing for the payment of compensation of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census, the annual salaries of the following named county officers shall be as herein stated, to wit: For the clerk of the circuit court, a salary of \$7,200 per annum; for the register in chancery, a salary of \$6,000 per annum. The salaries of the clerk and register shall be paid out of the general funds of the county in equal monthly installments, as the salaries of other county officers are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed. However, this Act does not repeal any local, special, or general law providing allowances for the officers named herein or providing compensation to them for the performance of any duties attached to their respective offices.

Section 3. This Act shall take effect upon the expiration of the terms of the incumbent officers as provided in the Constitution of Alabama.

Approved August 15, 1963.

Time: 3:50 P. M.

Act No. 252

H. 670—Heflin

AN ACT

To amend further Section 8 of Act No. 872, H. 1118, Regular Session 1951 (Acts 1951, p. 1505) which act established the Board of Revenue and Control of Chilton County; providing for the nomination of each associate member by the authorized voters of the entire county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 872, H. 1118, Regular Session 1951 (Acts 1951, p. 1505), as amended, is hereby further amended to read as follows:

“Section 8. Each associate member of said board shall be nominated by the voters of the entire county who are authorized to participate in any primary election, caucus, or convention, called or held by any political party for the nomination of said office. Their nomination by the qualified voters of the district, or of any subdivision of said county less than the whole county, by any primary election, caucus, or convention, is hereby pro-

hibited. Each said associate member shall be a resident and qualified voter of the district for which he is elected, and shall reside in said district continuously during the term of his office."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1963.

Time: 3:52 P. M.

Act No. 253

H. 850—Bassett

AN ACT

Relating to Pike County. To repeal Act No. 147 approved July 19, 1955, authorizing the Court of County Commissioners of Pike County to provide a clerk for the Deputy Solicitor for Pike County.

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 147 approved July 19, 1955, authorizing the Court of County Commissioners of Pike County to provide a clerk for the Deputy Solicitor for Pike County, is hereby expressly repealed.

Section 2. That this act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 15, 1963.

Time: 3:54 P. M.

Act No. 254 H. 388—Rogers, Downing, McDermott, Engel,
Hogan, Fields, Nettles, McCorquodale

AN ACT

To amend Sections 647 and 649 of Title 51, Code of Alabama 1940, as last amended by Act No. 948, 1961 Acts of Alabama, page 1523, relating to the excise tax on gasoline, so as to provide that one-half of one per cent of the state excise gasoline taxes collected in this State, with certain exceptions, shall be deposited to the Water Safety and Seafood Funds, and to provide for the expenditure of such funds deposited; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 647, as amended, of Title 51, Code of Alabama 1940, be and the same is hereby amended to read as follows:

"Section 647. (a) Every distributor, refiner, retail dealer, storer, or user of gasoline shall collect and pay over to the state department of revenue an excise tax of seven cents per gallon upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use, gasoline as defined or otherwise referred to in article 5 of Title 51, Code of Alabama 1940, and as amended; provided, that where the excise tax of seven cents per gallon upon the sale, use or consumption, distribution, storage, withdrawal from storage in this state of such gasoline shall have been paid to the state by a distributor, refiner, or by any retail dealer, storer, or user, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. (b) The state department of revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the department for use by the United States in purchasing gasoline within the state of Alabama and which is paid for by the United States. Any person in reporting and paying the tax to the department may deduct the number of gallons of gasoline sold to the United States, as shown by such certificate of exemption duly executed by the United States and filed with such report; and the department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates. (c) The revenue, less the cost of collection, obtained from the taxes on gasoline, naphtha, and other liquid motor fuels, or any device or substitute therefor, commonly used in internal combustion engines, as is provided for in this section, shall not be used for any purposes other than the following, namely: (1) the revenue arising from the sale of gasoline, as herein defined for aviation fuel, shall be used exclusively for the purpose of paying the cost of acquiring, engineering, construction, improvement and maintenance of existing or proposed airports and other air navigation facilities within the state, for the payment of the salary of the state director of aeronautics, the salaries of other employees of the Alabama department of aeronautics, and for the payment of other administrative and aeronautical expenses of the Alabama department of aeronautics and for the further purpose of creating a sinking fund for the payment of the interest and retirement of the principal of all bonds which may be hereafter lawfully issued, sold and delivered for funds to be used exclusively for the enumerated purposes. All gasoline or any substitute therefor, sold or delivered to any airport within the state for use as fuel to propel airplanes, is hereby classified as aviation fuel. (2.) The Legislature hereby finds as a fact that of all the gasoline sold in this State not less than thirty five one hundredths of one per cent thereof is used for marine purposes to propel vessels on inland and coastal waterways of this State. The Legislature hereby de-

clares that it is the policy of this State to use the funds derived from the sale of marine gasoline to improve boating and boating facilities, seafoods and salt water sports fishing in this State. Effective on the first day of the month following the passage and approval of this Act thirty five one hundredths of one per cent of all State imposed taxes collected on the sale of gasoline (except gasoline consumed in airplanes) shall be credited as follows: sixty per cent to the State Water Safety Fund of the Water Safety Division and forty per cent to the Seafood Fund of the Seafood Division. (3.) The revenue arising from the sale of gasoline, as herein defined, for all other purposes shall not be used for any purpose other than for the construction, improvement, maintenance and supervision of highways, bridges and streets, including the retirement of bonds for the payment of which such revenues have been or may hereafter be pledged. The payment of the per diem and mileage of members of county governing bodies when engaged in supervising the construction, improvement and maintenance of highways, bridges and streets, shall be construed as used in supervision. However, the governing body of each county is authorized to expend an amount not to exceed one-third of the total amount of such revenue that may be received by such county in the payment of any debt that may have been incurred by such county for the construction or maintenance of roads or bridges. This fund shall be allocated in the manner now provided by law. On the 20th day of each month following that quarter of any fiscal year, all revenue derived from the sale of gasoline to be consumed in the motor of a boat or vessel as defined in (2.) above shall be allocated to the 'State Water Safety Fund' and 'Seafoods Fund'. On the 20th day of each month following that quarter of any fiscal year, all revenue derived from the sale of gasoline purchased and used for aviation fuel, less the cost of collection, shall be allocated to the state department of aeronautics, or to the Alabama aviation commission, as the case may be, and the counties and municipalities which own or operate public airports where aviation gasoline is sold or delivered in the following manner, namely: Of the first twelve thousand five hundred dollars (\$12,500) of such tax collected in any county in the quarter-fiscal year, the county and municipalities therein owning or operating public airports, or public airports where aviation gasoline is sold or delivered, shall receive twenty-five per centum (25%) thereof to be allocated to each unit of government owning or operating any such airport, whether it be the sole or joint owner thereof, in the proportion that the number of gallons of aviation gasoline sold or delivered at each of such airports bears to the number of gallons of aviation gasoline sold or delivered in the county; of the second twelve thousand five hundred dollars (\$12,500) of such tax collected in any county in the quarter-fiscal year, the county and the municipalities therein owning or operating a public airport, or public airports, where aviation gasoline is sold or delivered, shall

receive fifteen per centum (15%) thereof to be allocated to each unit of government owning or operating any such public airport whether it be the sole or joint owner thereof, in the proportion that the number of gallons of aviation gasoline sold or delivered at each of such airports bears to the number of gallons of aviation gasoline sold or delivered in the county; of the third twelve thousand five hundred dollars (\$12,500) or over of such tax collected in any county in the quarter-fiscal year, the county and the municipalities therein owning or operating a public airport, or public airports, where aviation gasoline is sold or delivered, shall receive five per centum (5%) thereof to be allocated to each unit of government owning or operating any such public airport, whether it be the sole or joint owner thereof, in the proportion that the number of gallons of aviation gasoline sold or delivered at each of such airports bears to the number of gallons of aviation gasoline sold or delivered in the county. Provided, however, if any public airport or airports is owned or operated by any unit or units of government outside of any county where such public airport or airports may be situated, such unit or units of government shall receive its pro rata share of the funds allocated in the proportion hereinabove stated. The remainder shall be paid to the state department of aeronautics, or to the Alabama aviation commission as the case may be. (d) Every distributor, refiner, retail dealer, or storer of gasoline shall add the amount of the excise tax levied and assessed herein to the price of the gasoline, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with distributor, refiner, retail dealer, or storer, or in the case of a licensed user, acting merely as an agent of the state for the collection and payment of the tax to the state."

Section 2. That Section 649, as amended, of Title 51, Code of Alabama 1940, be and the same is hereby amended to read as follows:

"Section 649. On or before the 20th day of each month, every distributor, refiner, retail dealer, or storer of gasoline, shall render to the department of revenue, on forms prescribed by the department, a true and correct statement of all sales and withdrawals of gasoline, as defined in this article, namely: (a) All gasoline sold or delivered to an airport for use as aircraft fuel during the preceding month, and (b) All other gasoline sold or delivered for any other use during the same period of time, and shall furnish said department such other reasonable information as it may demand and require, upon blanks to be formulated and furnished by the department, and at the time of making such report shall pay over to such department an amount of money equal to the excise tax levied under the provisions of this article."

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

Approved August 16, 1963.
Time: 1:34 P. M.

Act No. 255

H. 734—Turner (Crenshaw)

AN ACT

To amend Section 1 of Act # 912, Regular Session 1961, H1292, approved September 8, 1961, entitled "An Act To Amend Section 348 Title 51, Code of Alabama 1940, and to repeal all laws, and parts of laws, General or Special, In Conflict Herewith," which Act and this Amendment thereto relate to the imposition of a franchise tax on foreign corporations doing business in the State based on the actual amount of its capital employed in the State, defining capital, providing for a method of determining the actual amount of its capital so employed and establishing such determination as a rebuttable presumption as to the actual amount of its capital so employed, providing for exclusions and deductions from the amount of capital so determined and repealing all laws and parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act # 912, Regular Session 1961, H1292, approved September 8, 1961, Entitled "An Act To Amend Section 348 Title 51 Code of Alabama 1940 And To Repeal All Laws and Parts of Laws, General Or Special, In Conflict Herewith" is hereby amended to read as follows:

"Section 1: That Section 348, Title 51, Code of Alabama, 1940 be and the same is hereby amended to read as follows:

"Section 348. A. Amount of Levy On Foreign Corporations: Every corporation organized under the laws of any other State, Nation, or Territory and doing business in this State, except strictly benevolent, educational or religious corporations, shall pay annually to the State an annual franchise tax of \$2.50 on each \$1,000.00 of the actual amount of its capital employed in this State. Corporations which have qualified to do business in this State shall for the purpose of this title prima facie be held to be doing business in Alabama.

B. Definition of Capital. The total capital of such foreign corporation shall be deemed to be an amount equal to the sum of the following:

1. The outstanding capital stock;
2. Surplus and undivided profits, which shall include any amounts designated for the payment of dividends until such

amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand;

3. The amount of bonds, notes, debentures or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year;

4. The amount of the bonds, notes, debentures or other evidences of indebtedness maturing and payable at any time to (a) any individual stockholder owning directly or indirectly 10% or more of the capital stock of such foreign corporation or (b) another corporation owning more than 50% of the capital stock of such corporation, or (c) another corporation more than 50% of the capital stock of which is owned by such foreign corporation, and which other corporation referred to in (b) or (c) is not also required to pay a franchise tax to the State of Alabama;

5. The amount reasonably required to adjust the depreciable property accounts for any rapid, excessive, or unreasonable depreciation charges, or amortization, so as to restore the depreciable property accounts, for franchise tax purposes, to original cost less depreciation computed on the basis of the useful life of such property to the corporation.

C. Determination Of Capital Employed In State. The actual amount of such total capital as herein defined which is employed in this State shall be determined in accordance with generally accepted accounting principles appropriate in the particular case and such determination shall establish a rebuttable presumption as to the actual amount of capital employed by the corporation in this State; provided, however, that in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama Public Service Commission, the actual amount of capital employed in this State as so determined shall in no event exceed the value of the sum of (1) its tangible property located in this State and (2) its intangible property employed in the conduct of its business in this State.

D. Exclusions And Deductions. (1) There shall be excluded from the amount of capital as determined in Subsection B the amount invested by the taxpayer in the capital stock of other corporations organized under the laws of Alabama, or under the laws of any other State if such other corporations also pay a franchise tax to the State of Alabama, unless the taxpayer is a dealer in stocks or securities and (2) there shall be deducted from the amount of capital employed in this State as determined in accordance with Subsections B and C hereof, the following amounts: (a) The aggregate amount of loans of money made by the taxpayer in this State and which shall be secured by existing mortgage or mortgages to it on real estate in this State and upon

which mortgage or mortgages there shall have been paid the recording privilege tax provided by law; and (b) the amount invested by the taxpayer in bonds or other securities issued by the State of Alabama, or any County, municipality or other political subdivision of the State of Alabama, unless such corporation is a dealer in securities."

Section 2. That all laws and parts of laws, general or special, in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 3. Effective Date: This Act shall become effective for all tax years beginning on and after January 1, 1964.

Approved August 16, 1963.

Time: 1:35 P. M.

Act No. 256

H. J. R. 113—Blanton, Steagall

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we note with deep and profound sorrow the passing of Mrs. Mary Bennett Hain, mother of our beloved colleague from Dallas County, and extend our sincere sympathy to Representative Val Hain and the members of his family for their great loss.

Approved August 16, 1963.

Time: 1:30 P. M.

Act No. 257

H. J. R. 114—Powell

HOUSE JOINT RESOLUTION

WHEREAS the entire nation is grieved by the sad news of the death of Patrick Bouvier Kennedy, infant son of President and Mrs. Kennedy; and

WHEREAS the thoughts and prayers of the people of Alabama were with the Kennedy family during the period when the baby's arrival was hopefully anticipated and later when his life hung in the balance; and

WHEREAS the passing of this tiny life has touched the hearts of the people of Alabama who sympathize deeply with his bereaved parents in their tragic loss; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body ex-

presses its deepest sorrow and extends its sincere sympathy to President and Mrs. Kennedy upon the death of their son.

BE IT FURTHER RESOLVED That copies of this resolution be sent to President and Mrs. Kennedy.

Approved August 16, 1963.

Time: 1:31 P. M.

Act No. 258

H. J. R. 115—Campbell, Hain, Boston

HOUSE JOINT RESOLUTION

WHEREAS Captain Ben W. Stutts and Captain C. W. Voltz, officers of the United States Army were taken prisoner by North Korean forces while on air patrol at the 38th parallel on May 17, 1963; and

WHEREAS the United Nations has not only failed to secure the release of these men, but has not even determined whether or not they are still alive; and

WHEREAS North Korean forces have refused to allow any communication with these two officers, and have not permitted them to receive any goods, toilet articles, or other items sent to them by their families; and

WHEREAS to date, no word of condolence has been received by either family from any United States official other than the Adjutant General, their commanding officer, and their buddies in service; and

WHEREAS American boys continue to be captured or killed by communist nations the world over and the United Nations has failed to obtain the release of these men or to assist their families in securing any information whatsoever regarding them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do urgently request that the Department of Defense, Department of the Army, and the President of the United States take whatever action may be necessary to secure the release of Captain Stutts and Captain Voltz if they be still alive and, in the interim, to forward all available information concerning them to their vitally concerned and distressed families.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Secretary of Defense, Secretary of the Army, to the office of the President of the United States, and to each member of the Congress from this State.

Approved August 16, 1963.

Time: 1:32 P. M.

Act No. 259

S. 246—Tyson

AN ACT

Proposing a constitutional amendment relating to the City of Bayou La Batre in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part thereof when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

Any provision or limitations in this Constitution or laws to the contrary notwithstanding, the City of Bayou La Batre shall have full and continuing power and authority to do any act hereinafter described or engage in any activity mentioned if the same is first approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. The city or governing body thereof may purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind and may lend its credit or grant public money and things of value in aid of, or to, any individual, firm, association, or corporation, to promote local industrial, commercial, or agricultural development and the location of new industries or businesses in the city. The city or the governing body thereof may borrow money and pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full, and may pledge thereto any rental or sales proceeds of property leased, or sold by it. The provisions of this article of amendment shall be self-executing; however, the governing body of the city shall have power to enact appropriate ordinances to implement and enforce the provisions hereof.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a

newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed Senate July 16, 1963.

Passed the House August 16, 1963.
